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NATIONALISM AT THE COUNCIL OF CONSTANCE

The Sixteenth Ecumenical Council of the Church, held at Constance (1414-1418), largely because it terminated the Great Western Schism, occupies a notable place in the conciliar history of the Church. During the five centuries that have passed since the leading churchmen and princes of Western Europe gathered at the quiet little city on the shores of Lake Constance to take part in this most notable of medieval assemblies, the Council of Constance has remained a subject of absorbing historical interest and spirited theological controversy. Though convoked to deal with questions of an ecclesiastical character, its discussions bore directly on the civil life of all of Europe. Its purpose, though strictly religious, was of such a nature that it touched directly the most significant manifestation of current political development, the increasing trend of nationalism and the growth of highly centralized monarchies. Viewed apart from its essentially ecclesiastical character and composition, it may be regarded as a gathering of the nations of Europe, and in scope not without significant results for international relations.

A study of the available documentary records of the Council of Constance indicates that there are a number of important topics which have not hitherto received due consideration. In its politico-ecclesiastical aspect the Council of Constance has attracted the attention of nearly every modern student of the history of politics. Due importance, however, has not been given to the nationalistic movement in Europe at that period in so far as the Council itself was brought into contact with that movement and affected by it.[1]

1 In treating of nationalism here, we regard it as denoting "a condition of mind in which loyalty to the ideal or to the fact of one's national state is superior to all other loyalties and of which pride in one's nationality and belief in its intrinsic excellence and in its 'mission' are integral parts." HAYES, C.J.H., *Essays on Nationalism*, p. 6.

Nationalism and the spirit it represents should be alien to an Ecumenical Council which is an assembly of a Church, Catholic in essence and history, and which though not opposed to national hopes and aspirations, is nevertheless above national lines. At the Council of Constance this spirit of nationalism was not only present, but received concrete expression in its most menacing form in the method of *voting by nations* which was agreed upon and which was without precedent in the history of Church councils. That the Council of Constance should adopt a method of voting so much out of harmony with conciliar tradition, is an evidence not only of the potent nationalism of the time, but of the imminent danger that threatened Church unity and hierarchical independence. That this method of securing a decision in an ecclesiastical synod did not destroy the unity of the Church and that it did not perpetuate and intensify the Great Western Schism was a notable triumph in a Council torn by party spirit and not wholly immune from political intrigue.

Though powerless to prevent the termination of the schism, the influence of nationalism at the Council of Constance was nevertheless sufficiently strong to nullify the effort to secure the adoption of the other proposals, so vital to the interests of religion, which formed part of the program for which the Council was called. The writer is, of course, aware that there remains unpublished a considerable store of manuscript material dealing directly with the Council of Constance which must await the appearance of the third volume of Finke's *Acta Concilii Constanciensis*. These unpublished manuscripts might tend to modify certain conclusions arrived at from the documents already in print.

This study is based almost entirely on standard sources such as Mansi, *Sacrorum Conciliorum Nova et Amplissima Collectio*, 47 vols. (of which vols. xxvi-xxviii have been used), Paris Edition, 1901; Van der Hardt, *Magnum et Oecumenicum Constansiense Concilium*, tomi vi, Leipzig, 1700[2]; Lenfant, *Histoire du Concile de Constance*, 2 vols., Amsterdam (new edition), 1727; Finke, *Forschungen und Quellen zur Geschichte des Konstanzer Konzils*, Münster, 1889, and *Acta Concilii Constanciensis*, 2 vols., Münster, 1896-1923. The joint work of

2 This collection will be cited as VDH.

Denifle and Chatelain, *Chartularium Universitatis Parisiensis*, 4 vols., Paris, 1889-1897, has also been used to a considerable extent. Historical works dealing with the Council or with the period of the Council, which have been found especially helpful are Creighton, *History of the Papacy during the Period of the Reformation*, 5 vols., London, 1882-1884; Guizot, *History of Civilization in Europe*, New York, 1896; Leclercq, *Histoire des Conciles*, (the translation of Hefele's *Conciliengeschichte* enlarged by copious additional notes), 9 vols., Paris 1907 ff; Janssen, *History of the German People at the Close of the Middle Ages* (translated by M. A. Mitchell), 16 vols., St. Louis, 1896; Mollat, *Les Papes d' Avignon*, Paris, 1920; Pastor, *History of the Popes from the Close of the Middle Ages*, (translated by F. I. Antrobus and R. F. Kerr) 8 vols., St. Louis, 1896 ff; Rashdall, *The Universities of Europe During the Middle Ages*, 2 vols., Oxford, 1895; Salembier, *The Great Schism of the West* (translated by M. D.), New York, 1907; Schaff, *John Huss, His Life, Teachings, and Death*, New York, 1915, and Wylie, *The Council of Constance to the Death of John Hus*, London, 1900.

Of treatises dealing in part with the political thought of the period, the following may be mentioned: Carlyle, *A History of Medieval Political Theory in the West*, 4 vols., New York and London, 1903-1922; Dunning, *History of Political Thought Ancient and Medieval*, New York, 1902; Emerton, *The "Defensor Pacis" of Marsiglio of Padua*, being number viii of the *Harvard Theological Studies;* Figgis, *Studies of Political Thought from Gerson to Grotius* (1414-1625), Cambridge, 1907, and *The Theory of the Divine Right of Kings*, Cambridge, 1914; Gierke, *Political Theories of the Middle Ages* (translated by F. W. Maitland), Cambridge, 1907; Laski, *The Problem of Sovereignty*, Yale University Press, 1917; *Authority in the Modern State*, 1919; and *The Foundation of Sovereignty*, New York, 1921; Lavisse, *Political History of Europe* (translated by Chas. Gross), New York, 1891; Littlejohn, *The Political Theory of the Schoolmen and Grotius*, New York, 1895; Poole, *Illustrations of the History of Medieval Thought and Learning*, London, 1920; and Stubbs, *Constitutional History of England*, 3 vols., Oxford, 1891 ff. On the study of Ecumenical Councils from an historico-theological viewpoint, the works of Billot, *De Eccleisa Christi*, Romae, 1903;

Bouix, *De Papa; Ubi et de Concilio Oecumenico*, Paris, 1896; Pesch, *Praelectiones Dogmaticae*, Freiburg, 1903; and Palmieri, *De Romano Pontifice*, Prato, 1891, have been used.

Of other sources the work of Van der Hardt has been by far the most valuable. Encouraged by his generous patron, Rudolph, Duke of Brunswick, this seventeenth century scholar placed the leading European libraries of his day under tribute in collecting all documentary material strictly relevant to the Council of Constance. Van der Hardt's own University, that of Helmstadt, furnished him with many precious documents, as did other libraries of Germany, namely, Berlin, Brunswick, Celle, Erfurt, Leipzig, Nuremberg, Saxony, and Wolfenbüttel. His largest contribution, however, came from the Imperial Library at Vienna, where, in addition to other documents, he found a four-volume *Acta* of the Council.[3] Of these four volumes, the first three were written by Nicholas Elstrawe, the secretary of Duke Ernest of Austria, and the latter's representative at the Council; the fourth by John Dorre, the Dean of St. Andrew's at Worms, who was present at the Council.

PURPOSE OF THE COUNCIL OF CONSTANCE

At the Council of Constance every problem that had affected the general political life of Western Europe for a thousand years and every question of importance in the later medieval life of the Church came up for discussion and settlement. This sweeping assertion understates rather than exaggerates a condition which touched every person in western Christendom. The Council itself was called ostensibly to find a way of ending the Great Western Schism which had been a scandal to Christian sentiment and a menace to Church unity for nearly forty years (1378-1414), but the manner in which the settlement of the schism should be effected had a profound interest for every State and individual in Christendom. The unity of the Church was at stake, and on the manner in which this question might be adjusted depended also the solution of many problems not strictly ecclesiastical that had for a long time divided students of political philosophy and had even been the source of much dissension among states.

3 This manuscript will be abbreviated as Vienna (Caes.) in this work.

THE GREAT SCHISM OF THE WEST

The schism which led to the convocation of the Council of Constance resulted from the disputed election of Urban VI in 1378. The Cardinals who had gathered at Rome in the conclave which followed the death of Gregory XI, were not only forced to contend with hostile factions within the College itself, but in their ears were dinned the clamours of the Roman populace which demanded a Roman or at least an Italian Pope.[1] In an attempt either to effect a compromise among the factions within the College or to placate the crowd that was storming the chamber where the conclave was in session, the Cardinals hit upon the expedient of selecting as Pope, not one of their own number, but the Archbishop of Bari (Bartolomeo Prignano), who took the title of Urban VI. The choice of the conclave at first appeared a happy one, for the new Pope was a churchman of rare qualities. His austere life and long activity at the Papal court seemed to mark him as one well fitted for the peculiarly difficult task which faced him as the successor of Gregory XI, who had brought the Papacy back from the long exile at Avignon. Though possessed of the highest intellectual attainments and distinguished for the austereness and probity of his life, the new Pontiff was singularly lacking in gentleness and tact.[2]

DIFFICULTIES WITH THE CARDINALS

Urban VI found himself head of a College of Cardinals who were accustomed to the easy life of the Avignon court and whose ideals were far below his own. These Cardinals were loath to submit to the regulations which the Pope wished to impose upon them and resented the harshness of his methods in dealing with them. They soon regretted the impulse that drove them to select Bartolomeo Prignano for the Papacy and were only too eager to seize the first opportunity that presented itself to escape from their unenviable position. Their dissatisfaction with Urban was heightened and matters were brought to a crisis when he announced to them that it was his intention to create

1 Cf. PASTOR, L., *History of the Popes from the Close of the Middle Ages*, vol. I, pp. 117-118; SALEMBIER, *The Great Schism of the West*, p. 30.

2 PASTOR, *op. cit.*, pp. 121-122, also MANSI, J. D., *Sacrorum Conciliorum Nova et Amplissima Collectio*, vol. XXVI, col. 609-610.

a number of Italian Cardinals.[3] This measure, if effected, would at once transfer the control of the Sacred College from the French to the Italian side of the Alps, and could be interpreted as a gesture towards the complete withdrawal of the Papacy from the ties that had recently bound it to the French court.

THE NEW ELECTION AT ANAGNI

At any rate this announcement of Urban drove the Cardinals to take a radical step. On the plea that they desired a short respite from the heat of summer, they withdraw in small groups from Rome and later gathered at Anagni.[4] Seizing as a pretext the fact that the election at Rome was held under circumstances which might raise some question as to its validity, they convoked a second conclave at Anagni and, repudiating their previous choice, elected in his stead the warrior churchman,[5] Cardinal Robert of Geneva, as Clement VII.

EFFECTS OF THE SCHISM

The effect of this action of the Cardinals was far-reaching. Both Urban VI and Clement VII maintained the validity of his election and as a result Western Europe witnessed the scandal of a double Papacy.[6] The schism thus begun was continued

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3 PASTOR, *op. cit.*, pp. 122-125.

4 The purpose of the Cardinals in leaving Rome was more or less an open secret. Writing from Tiberinum on July 27, 1378, Marcellus of Inghen, *nuntius* of the University of Paris, informed the University of the departure of the Cardinals and expressed his fear of a terrible schism. Cf. *Chartularium Universitatis Parisiensis*, edited by H. DENIFLE and A. CHATELAIN, vol. III, pp. 553-555.

5 Robert of Geneva had earned an unenviable reputation because of the severity with which he had dealt with the inhabitants of Cesena in 1377 when sent by Gregory XI to put down an uprising against the Papal power in Romagna. Cf. PASTOR, *op. cit.*, pp. 103-112; SISMONDI, *History of the Italian Republics in the Middle Ages* (edited by W. BOULTING), Book iv, p. 329.

6 There is a striking passage in the *Chronicles of Sir John Froissart*, which gives the impression which the outbreak of the schism made upon the mind of a contemporary. "I know right well that in time to come there will be had much (marvel) of these things, how the Church should fall in such trouble and endure so long, but it was a plague sent from God for the clergy to advise and to consider well their great estate and the superfluity they were in; but many did set little thereby, for they were so blinded with pride that each one thought to be as good as another: wherefore it went evil, and if our faith had not been confirmed in the hands and the grace of the Holy Ghost, who illumined the heart of them who were gone out of the right way and held them firm in unity, else our faith had been greatly deformed; but the great lords of the earth at the beginning did nothing but laugh at the Church, till I chronicled these chronicles in the year of our Lord Jesus Christ MCCCLXXX and X. Much of the common people marvelled how the great lords, as the French king, the king of Almaine, and other kings and princes of Christendom did provide no remedy in that case." (Globe edition) p. 357.

through successive elections and not only enfeebled the unity of the Church but lessened respect for the Papacy. Since all ecclesiastical jurisdiction and discipline are ultimately dependent upon the Pope, the Western Schism demoralized the Church and led to a laxity of life and conduct among the clergy that imperilled order and morality.

INFLUENCE OF POLITICS ON THE SCHISM

The schism might have been more easily dealt with were it not for the influence of the politics of the time. In normal circumstances it would have been a problem limited to the ecclesiastical sphere; but, as the schism itself was rooted in another evil, namely, the aggression of secular princes upon ecclesiastical prerogatives, it was impossible to arrive at a settlement without taking into consideration the purposes of the secular princes whose interests were also involved. When it is remembered that the schism followed immediately after the Avignon Exile, the political importance which it assumed can be readily grasped. During that period of seventy years the Papacy lay under the suspicion that it had become amenable to the interest of the French king,[7] while the German empire, which through the greater part of the middle ages had been the acknowledged protector of the Papacy, lost much of its influence in ecclesiastical affairs. During this same period England had entered the long struggle with France known as the Hundred Years War, and felt keenly her rival's growing domination in the affairs of the Church.[8] Both Germany and England rejoiced therefore when the Papal residence was once more transferred to Rome, while on the other hand the French king was unwilling to allow the restoration.[9] These two opposing forces, namely, Germany

7 There was not on the part of the Avignon Popes that servility to the French king which has been often attributed to them. But they were an asset to France politically and financially. Cf. MOLLAT, G., *Les Papes d'Avignon*, pp. 262 ff., and STUBBS, W. M., *Constitutional History of England*, vol. II, pp. 412-413; DUNNING, WM., *Political Theories Ancient and Medieval*, pp. 219-220; POOLE, R. L., *Illustrations of the History of Medieval Thought and Learning*, p. 217; PASTOR, *op. cit.*, p. 58; BRYCE, *Holy Roman Empire*, p. 257.

8 It is to be noted that during this period the Act of *Praemunire* and the *Statute of Provisors* were passed by the English Parliament, while in Germany the nobility rallied to the support of Louis of Bavaria in his struggle with John XXII.

9 PASTOR, *op. cit.*, p. 110; EMERTON, E., *Humanism and Tyranny*, pp. 13-14. When, in 1374, Gregory XI sought to return to Rome, the Duke of Anjou and others persuaded him to remain. MOLLAT, *op. cit.*, pp. 224 ff.

and England on the one hand and France on the other, were consequently thrown into sharp conflict as a result of the disputed election, since the question arose whether the Papacy should, in the person of Clement VII go once more to Avignon, or whether, in the person of Urban VI, it should remain at Rome.

ALIGNMENT OF EUROPE IN THE GREAT SCHISM

When, therefore, the insurgent Cardinals repudiated their choice of the Archbishop of Bari and in his stead selected Robert of Geneva, they were able at once to secure the support of France and the countries allied to the French policy.[10] Hence Scotland, the Spanish kingdoms, Flanders and Naples gave their support to Clement VII. On the other hand, the support given to Clement VII had the effect also of bringing Urban VI to the forefront as the champion of the nations which sought to check the growing influence of France. The appeal, therefore, of the Emperor Charles IV to the princes of Europe to oppose the pretensions of Clement VII and bring to a halt the dominance of France sounded the keynote of the contest.[11] England, Poland, Hungary, Portugal, the Scandinavian countries, Italy and the Empire at once followed the lead of the Emperor and sided with the claims of Urban VI. In effect, therefore, it may be said that the countries of Europe, in supporting the claims of either of the rivals to the Papacy, had at stake also the principle of either accepting or rejecting French dominance in the political and ecclesiastical affairs of Europe. Practically speaking, France then became the pivotal focus of the schism and the princes of Western Europe followed the Roman or the Avignon succession of Popes in accordance with their opposition to, or acceptance of, the French policy. The dependence of both rivals for the Papacy

10 PASTOR calls attention to the fact that Charles V of France had actually urged the Cardinals at Anagni to take the step which they did. *Op. cit.*, p. 127. When they first assembled at Anagni the Cardinals sent a legate, Nicholas de S. Saturnino, to the University of Paris to explain their position. *Cf. Chartularium Universitatis Parisiensis*, vol. III, pp. 553. After the election of Robert of Geneva, they sent the Cardinal of Poitiers to France, Brabant, Hinault, and Flanders to gain prestige for their claims. He failed, however, to reach Flanders. Cf. *Chronicles of Sir John Froissart*, pp. 218 ff. On November 21, 1378, Urban VI wrote to the University to explain his position, but the bearer of the message was captured by the followers of Robert of Geneva and the letter, quite mutilated, did not reach the University until three years later. *Chartularium*, vol. III, pp. 552, 559-560. Cf. also MANSI, *op. cit.*, vol. XXVI, col. 614-615.

11 LODGE, R., *The Close of the Middle Ages*, p. 186; PASTOR, *op. cit.*, p. 135.

upon these alliances made it impossible to settle the schism on a purely ecclesiastical basis, since such support by the nations raised the difficulty of securing their adherence to the principle by which or the person through whom unity would be attained.

NECESSITY OF A GENERAL COUNCIL

Thus the question of settling the schism became associated with the political aspirations of the countries of Western Europe and a condition was established which made it imperative that the nations of Europe, as a protective measure for their own interests, should have an opportunity of voicing their sentiments regarding the claims of the rival Popes. The relationship of Church and State, moreover, had now become so interwoven that the problems raised by the one could be solved only by meeting the problems specifically raised by the other. The obvious solution, then, of this difficulty, as well as the necessity of giving to the nations the opportunity of voicing their desires, suggested the assembling of a General Council in which the leading churchman of each nation would be present. Though not the usual method of settling difficulties within the Church, a General Council seemed to offer the only practicable solution because of the difficulties in which the Papacy itself was involved when the schism commenced. We have already noted that the exile of the Papacy at Avignon had caused many to look with suspicion upon the support accorded to Clement VII by the French king at the beginning of the schism. Furthermore, the fact that Clement VII had now taken up his residence on the banks of the Rhone also had a deterrent effect on the international status of the Papacy itself. In this situation the Papacy could be viewed in the light of an institution which might be made subject to the interests of one or other of the nations. It was therefore not surprising that an attempt should be made to place above that institution a power, representative of all the nations, which might render the Papacy impotent to act in a manner hostile to the interests of any nation. It was then but natural that in this crisis the mind of Western Christendom should turn to the traditional way of settling politico-ecclesiastical disputes, since this method, the General Council, would likewise afford representation to all nations.

CURRENT POLITICAL THEORIES AND THE SCHISM

A further danger to the peaceable solution of the schism, and a positive menace to the autonomy and constitution of the Church, arose from the condition in which a purely ecclesiastical problem had become identified with the political life of Europe. This danger to the constitution of the Church was all the more significant because of a marked change that had taken place in regard to the attitude of the State in relation to the Church. Western Europe was outgrowing feudalism and the political situation had passed beyond the stage of manoeuvres to definite theories of politics. In contrast to the medieval theory of their mutual relations, by which the State recognized the independence of the Church in all ecclesiastical matters,[12] civil aggression on ecclesiastical prerogatives had now become not only the settled policy of states and statesmen, but had produced a formidable literature antithetical to the traditional idea of a Christian civilization.[13] This literature had advanced in no uncertain manner a solution of the old question of the relations of Church and State by allocating to the former a subordinate and dependent position.

THEORIES OF POPULAR SOVEREIGNTY

Notable in this literature were the *Defensor Pacis* of Marsiglio of Padua and the *Dialogus* of William of Ockham, both of

12 This policy was acknowledged though not established by Constantine's *Edict of Toleration*. During the first half of the millenium which followed the promulgation of this edict, an adjustment of this relation was essayed. In the East it had little effect as the almost unbroken opposition of the Byzantine emperors to a separate status for the Church resulted eventually in the system of Caesaro-Papism which was incorporated in the Legal Code of Justinian. In the West the opposition of the Popes and the bishops, especially Ambrose of Milan, resulted in a different policy which was finally formulated and expounded by Pope Gelasius II. But when the Roman Empire was succeeded by the Empire of the West or, speaking from the standpoint of political theory, by feudalism, the most striking characteristic of the new regime was the increase in the number of rulers and potentates with whom the Church had to carry on its relations. Consequently, during the five or six hundred years preceding the Council of Constance the question of the relation of Church and State in the West involved not merely an empire but a multiplicity of small states. One result of this was that the Church itself became feudalized and dependent, not on the generosity of the faithful, but on the possession of great estates. The change therefore which Europe witnessed in its political life during the fourteenth century effected a marked change in the attitude of the State toward the Church.

13 Cf. GIERKE, OTTO, *Political Theories of the Middle Age* (translated by F. W. MAITLAND), pp. 5, 51; DUNNING, *op. cit.*, pp. 224 ff; POOLE, *op. cit.*, 225 ff; BLUNTSCHLI, J. K., *The Theory of the State*, pp. 136-137; STUBBS, *op. cit.*, vol. II, p. 111; *Idem, Select Charters and Other Illustrations of Early English History*, pp. 426-427.

which had appeared a little over fifty years before the outbreak of the schism. Both Marsiglio and Ockham had joined the little group of dissatisfied *Fraticelli* which was supporting Louis of Bavaria in his struggle against Pope John XXII.[14] As this sympathy of Marsiglio and Ockham was founded more upon hostility to the Pope than on affection for the German emperor,[15] it is not surprising that their writings were designed more to attack the Papal power than actually to theorize on the matter of sovereignty. With this end in view, these two pamphleteers minutely examined the theories of polity as advanced by classical and medieval writers, notably Aristotle, St. Augustine and St. Thomas Aquinas,[16] and sought to show that as the final authority in the State is the voice of the people, so the final authority in the Church should be the General Council, which as sketched by them, afforded representation to all the people of Christendom.[17] Though it may truly be said that the doctrine of popular sovereignty had not hitherto received such an impetus from the standpoint of political theory as it received from Marsiglio and Ockham; it must be conceded also that more revolutionary doctrines as affecting the constitution and autonomy of the Church had not hitherto been advanced.[18] Practically speaking, these two writers sought to turn Church sovereignty from what might be termed a monarchical form of government to that of a par-

14 Cf. CREIGHTON, M., *History of the Papacy During the Period of the Reformation*, vol. I, pp. 34-35, 39. LITTLEJOHN, J. M., *The Political Theory of the Schoolmen and Grotius*, p. 229.

15 DUNNING, *op. cit.*, p. 239; POOLE, *op. cit.*, pp. 231-232.

16 DUNNING, *op. cit.*, p. 238 ff; Cf. MURPHY, E. F., *St. Thomas' Political Doctrine and Democracy*, pp. 40 ff; LITTLEJOHN, *op. cit.*, pp. 117-119. Cf. *Summa Contra Gentiles*, III, 76, q. 3; *De Regimine Principum*, I, c. 12, of St. Thomas Aquinas. See also "The Sources of Medieval Political Theory and its Connection with Medieval Politics," by A. J. CARLYLE in the *American Historical Review*, vol. xix (1913), pp. 1 ff; GETTELL, R. G., *History of Political Thought*, pp. 120-124.

17 GIERKE, *op. cit.*, pp. 46-47; POOLE, *op. cit.*, pp. 233-235, 244. Cf. especially EMERTON, E., *The Defensor Pacis of Marsiglio of Padua*, p. 26, in *Harvard Theological Studies* number viii.

18 Marsiglio concluded that the full powers intrusted by God to the community of the faithful—which of course included the laity—were to be exercised by a General Assembly or, as applied to the Church, the General Council. The delegates to the Council, whether they were clerical or lay, were to act in virtue of the authority derived from the community which they represented, not through any essential power of their own. EMERTON, *op. cit.*, pp. 55-59. For the effect of the writings of Marsiglio and Ockham in the later Conciliar movement, cf. "Marsiglio and Ockham" by J. SULLIVAN in the *American Historical Review*, vol. II, pp. 599-609, and "Konrad von Gelnhausen und die Quellen der Konziliaren Theorie" by WENCK in *Historische Zeitschrift*, vol. LXXVI, pp. 1-60.

liamentary form, and, particularly in the case of Marsiglio, endeavoured to reduce the Church to the condition of a department of State.[19]

APPLICATION OF THESE THEORIES TO THE CHURCH

During the fourteenth century it was, of course, impossible to apply these theories of popular sovereignty since, as a matter of fact, the states of Europe were being consolidated into national monarchies which not only checked the realization of these theories, but expressed a concept of state sovereignty that was little more than a backward cast to the omnipotent absolutism of the ancient classical state.[20] Throughout this period there may be noted a crystallization of European polity into centralized states in which the royal power was not only gathering to itself all prerogatives of civil sovereignty,[21] but in a measure was usurping

19 The theory of Marsiglio advocated the plan of making all ecclesiastical offices state offices and Church property state property. Cf. EMERTON, *op. cit.*, pp. 40-43; GIERKE, *op. cit.*, pp. 94-95.

20 The advance made by medieval theologians in the theory of popular sovereignty was counteracted by a powerful movement tending toward the acknowledgment of a conception of state sovereignty patterned on the ancient Roman state. In a striking paragraph Harold Laski describes these contrary movements. "The medieval state, it was seen, must be explained; and variants upon the teleology of Aristotle were the weapons most apt to the purpose. The individual may be an end in himself—for the Christian notion of personal salvation has a significance no student of the history of democracy may forget—but the state also exists for its own separate purpose. Even with the competing purpose of the Church in view, men like John of Paris and Gerson can argue that the purpose of the state is not less nobly moral; while Marsiglio charged it with the care of the good life in a way which seemed to render needless all ecclesiastical function. But if the state has purpose it must have rights wherewith to guard it; and those rights pass easily into a notion of supremacy." *Foundations of Sovereignty*, pp. 11-12. "If," says GIERKE, ". . . we survey the Political Doctrine of the Middle Age, we see within the medieval husk an 'antique-modern' kernel. Always waxing, it draws away all the vital nutriment from the shell, and in the end that shell is broken." *Op. cit.*, p. 4.

21 Cf. MAINE, H. S., *Ancient Law*, p. 77; BLUNTSCHLI, *op. cit.*, pp. 391-392; POOLE, *op. cit.*, p. 226; also JANSSEN, *History of the German People at the Close of the Middle Ages*, vol. II, iv, pp. 163-165, 219-221, for the effect which the legal schools had on this movement. STUBBS has declared that "the weapons which are used by the politicians of the sixteenth and seventeenth centuries are taken, with little attempt at improvement or adaptation from the armory of the fourteenth. The intervening age has rather conserved than multiplied or extended their functions." *Constitutional History of England*, vol. III, pp. 2-3. FIGGIS sees in the political activity of the century the formation of the theory of the divine right of rulers. Cf. *Theory of the Divine Right of Kings*, pp. 44-45. He also suggests (p. 51) that this theory was accepted as a counter-claim to Papal supremacy. A more recent writer sees in it, however, an attempt to justify the absolute sovereignty of hereditary monarchs. Cf. HOLCOMBE, A. W., *The Foundations of the Modern Commonwealth*, p. 97.

ecclesiastical rights as well. In the face of this growing absolutism in the state there was no opportunity of giving practical expression to the purely political phase of the Fourteenth Century theories of popular sovereignty. On the other hand, the theories which suggested popular sovereignty in the Church were seized upon by some as a possible solution of the difficulties created by the schism,[22] even though their acceptance meant a profound change in the constitution of the Church. One result of the consideration of these various theories was that it led to a careful and minute analysis of the question of Church sovereignty, through which the theorists advanced into every possible field of conjecture, setting forth a range of hypotheses which included practically every scheme that has been since conceived for an adjustment of the constitution of the Church.[23]

PRACTICAL APPEAL OF THESE THEORIES DURING THE SCHISM

The problem of Church sovereignty which presented itself in the time of the schism was practical rather than theoretical. Since the two rivals for the tiara refused to surrender, it was obvious that no settlement could be made so long as either could find supporters of his claims. The inflexible attitude of Urban VI on the one hand and of Clement VII on the other raised the question whether it was not possible to find a court of appeal which in some fashion would make the litigants subject to a universal Church. A ready means of solution was offered by the system of Parliaments and parliamentary representation with which the Fourteenth Century was experimenting, and the view daily gaining wider acceptance, in theory if not in practice, that

22 FIGGIS, J. N., *Political Studies from Gerson to Grotius*, pp. 50-58.

23 "When the Schism came, and the difficulty presented itself of deciding which out of the two or three claimants was the true Pope, people began in despair to look for a tribunal which should be the standing committee of the Church. Various policies were suggested, and an immense literature survives of the proposals put forward for the healing of the Schism and for the future government of the Church. The necessity for some scheme that should put an end to the Schism, prevent its recurrence and reform the Church was generally admitted, but the precise means of securing these remedies was what baffled so many minds. There was no lack of plans, indeed there were too many plans, and each promoter held to his own." JARRET, BEDE, *Social Theories of the Middle Ages*, p. 228. "More and more distinctly," says GIERKE, "men were conceiving the Church as a 'Polity,' and it was natural therefore that in the construction of this Polity they should employ the scheme of categories which in the first instance had been applied to the temporal state." *Op. cit.*, p. 49. Cf. also FIGGIS, "Respublica Christiana" in *Transactions of the Royal Historical Society*, vol. XIX, pp. 63-68; and SALEMBIER, *op. cit.*, p. 109.

sovereignty rested in the people, suggested the hypothesis that authority in the Church was vested in the body of the faithful. This ready solution reduced the situation to a dilemma either of acknowledging the supreme power of two claimants whose demands were mutually exclusive, or of abandoning the divinely constituted sovereignty of Saint Peter to popular control. It is significant of the time that the latter alternative, contrary as it was to the traditional view of the constitution of the Church, radical and revolutionary as it was in principle, should have received serious consideration from so many men eminent in the Church. The only reason that can explain such adherence to a doctrine so revolutionary is to be found in the fact that on the one hand it seemed to offer a means of solving the problem of the schism, and on the other that it was thoroughly in harmony with current political thought.

HERETICAL MOVEMENTS

The problem of adjusting the affairs of the Papacy was further complicated by difficulties of a doctrinal character which had already divided the Church into factions in England and Bohemia. It is worth noting that the heresies of Wycliffe and Hus, in addition to many others, turned on the constitution of the Church.[24] Wycliffe, in addition to his errors concerning the sacraments, predestination, and the tenure of property by those in mortal sin, advanced theories that, if accepted, would sweep aside the entire hierarchical system in the Church.[25] It is significant too, that at the outbreak of the schism he first attacked the two claimants for the Papacy and later turned his assault on the Papacy itself.[26] Though condemned in 1411 by the Council of London and by the University of Prague, the doctrines of Wycliffe found a warm defender in John Hus,[27] through whose preaching they became the source of much dissension among ecclesiastics in Bohemia.[28] Moreover, wandering bands, notably

24 DUNNING, *op. cit.*, pp. 260 ff; POOLE, *op. cit.*, pp. 254-260; FIGGIS, *Political Studies from Gerson to Grotius*, p. 29, says this theory of Wycliffe is more Erastian than that of Erastus.

25 POOLE, *op. cit.*, p. 265.

26 POOLE notices that the writings of Wycliffe from the outbreak of the western Schism assume a more bitter tone in regard to the Papacy. Cf. *Wycliffe and Movements for Reform*, pp. 101-103.

27 LÜTZOW, F. H., *Bohemia; An Historical Sketch*, p. 92; SCHAFF, D. S., *John Huss, His Life, Teachings and Death*, pp. 46 ff.

28 *Ibid.*, pp. 85-106.

the Flagellants, Waldensians, and Beghards, heedless of the voice of the Church,[29] caused much disorder by their practices in France, Italy, Spain, and Germany. To deal adequately with these questions required a power far mightier than an enfeebled Papacy could muster. This growth of heresy served more and more to bring home the conviction that the methods followed in earlier times, namely, the General Council as a medium for eradicating heresy and clarifying doctrinal matters, must once more be utilized. It is not surprising, therefore, that the demand for such a gathering grew stronger day by day.

THE NEED OF REFORM

Great as was the necessity of dealing effectively with dissensions, heresies, and abuses, there was an equally imperative demand that vigorous steps be taken to arrest the growing decay in ecclesiastical fervour. It is only necessary to read the acts of the Provincial Councils of this period to be convinced of the urgent need which existed for a thorough reformation in the lives of the clergy and the monks. Simony, incontinence, disregard of monastic vows and rules came in for constant reprobation in the decrees of the Councils,[30] and while there were many saints and earnest reformers striving devotedly to bring about the necessary changes, the conviction grew that the entire support of the Church should be cast on the side of reform. This conviction was an added reason for calling a General Council as it was realized that an assembly thoroughly representative of Western Christendom would act as a powerful stimulus toward the consummation of this long desired reform. The prestige of such an assembly could give, moreover, a moral sanction to the decrees or resolutions which it might promulgate, and thereby assure their universal acceptance.

THE GENERAL COUNCIL AS A FORLORN HOPE

In normal circumstances, or under such Pontiffs as Innocent III or Innocent IV, no one would have thought it necessary to

29 PASTOR, *op. cit.*, pp. 157-159.

30 Cf. Reformatory decrees of the Provincial Councils of Prague, 1381, in MANSI, *op. cit.*, XXVI, coll. 689-694; of London, 1382, *ibid.*, coll. 695-712; of Salzburg, 1386, *ibid.*, coll. 725-734; of Palencia, 1388, *ibid.*, *col.* 735; the Synod of London, 1399, coll. 919-936; and the Council of Rheims, 1408, *ibid.*, coll. 1069-1078.

convoke a General Council to deal with such matters as the heresies of Wycliffe or the Flagellants; but, with two Popes claiming authority and neither sure of the allegiance of those who followed him, no other means seemed effective to remedy the existing evils. The demand for unity was imperative not only in the interest of Church discipline, but also for public morality and the general life of the people. No other of the many schemes which had been proposed seemed to offer substantial hope and consequently the desire for a General Council increased daily. Insistent, however, as was this appeal, it did not command general support. Conrad Gelnhausen published from the University of Paris in 1380 his *Epistola Concordiae*[31] and a year later the great German theologian, Henry Von Langenstein, also of the University of Paris, issued the *Concilium Pacis*.[32] Both works advocated a General Council as a remedy for the schism and a cure for the demoralized state of the Church. The University itself, however, which was becoming a leading factor in the settlement of the schism, did not for a long time definitely commit itself to their principles. It was, in fact, only after other expedients had been proposed and found wanting that the University made a formal demand for a General Council.

THE UNIVERSITY AND THE SCHISM

From the beginning of the schism the University of Paris held a place in the minds of the faithful which justified it, to some extent, in assuming the role of arbiter; but its professed neutrality[33] was hampered by the position which France itself had taken in supporting the claims of Clement VII, himself a Frenchman. In 1394 on the death of Clement, however, a Spaniard, Peter de Luna, succeeded him. This choice caused a perceptible change in the French attitude toward the Avignon line of claim-

31 Cf. "Konrad von Gelnhausen und die Quellen der Konziliaren Theorie," in *Historische Zeitschrift*, LXXVII, pp. 1-60; *Chartularium Univ. Parisienis*, vol. III, p. 581; GIERKE, *op. cit.*, note 232.

32 See Helmstadt MS. in VDH., *op cit.*, II, 11, 1-59.

33 It should be noted, however, that at the actual outbreak of the schism the University went on record as accepting the claims of Clement VII. The three faculties of the University and the "nations" of Normandy and France adhered to Clement, but those of England and Picardy continued in opposition to him. Cf. *Chartularium*, vol. III, pp. 562, 565-572, 586. In 1378 the University of Heidelberg refused to accept the new *Licentiati* of Paris as teachers, because they secured their degree under the authority of Clment. *Ibid.*, p. 593.

ants and brought to the University the sympathy of its own nation in its policy of neutrality. In view then of its great influence in Western Europe and its position of neutrality, the University felt justified in inviting its members to submit written opinions as to the best means of ending the schism. Incredible as it may seem, ten thousand documents were received in reply, and still more incredible, out of this mass of treatises, only three feasible plans could be drawn. These plans are referred to as: the *via cessionis*, which meant the voluntary withdrawal of both claimants from the field; the *via compromissionis*, which provided that the two rivals should submit their claims before an impartial tribunal and abide by the result and; the *via synodi*, which was merely an appeal to the arbitrament of the General Council.[34]

THE UNIVERSITY OF PARIS AND THE VIA SYNODI

But with both rivals for the Papacy mutually defiant and each sincere in his claims, the hope of inducing either claimant to abandon his professed rights became futile. Nor did any better success attend the attempt that was made in 1398 by the Emperor Wenzel and Charles VI of France, to refuse recognition to either claimant. Indeed these two princes, the former a drunkard and the latter subject to periods of insanity, could not command enough influences to induce their own followers to assume a neutral position. Further the attempt to induce the two claimants to effect some sort of compromise that would restore unity to the Church likewise failed, for each, distrustful of his rival, refused to surrender any of his disputed rights. When, therefore it became evident that mutual distrust on the part of the two claimants made either the *via cessionis* or the *via compromissionis* impossible, the University committed itself exclusively to the third proposition namely, the *via synodi*.[35]

34 Cf. *Chartularium*, vol. III, pp. 604-616. In a communication from the University, July 17, 1394, Benedict XIII was informed that one of the replies received contained the astounding declaration that *it mattered little how many Popes there were; that each country might have its own! Ibid.*, pp. 631-633.

35 Though the University had held a Council in 1381 it was not until the Council of Paris in 1406 that a definite advance toward the realization of the *via synodi* was made. This Council, incidentally, furnished an opportunity for the national spirit of France to assert itself. Simon Cramaud, Patriarch of Alexandria, spoke on behalf of the University of Paris and, though he protested

THE UNIVERSITY AND THE CONCILIAR MOVEMENT

Once committed to this line of action as the only possible solvent for the difficulties within the Church, the University of Paris, through its representatives, assumed the leadership in the party that throughout the crisis promoted the Conciliar movement. Peter D'Ailly, Bishop of Cambrai and former Rector of the University, John Gerson, a former pupil of D'Ailly and at this time Chancellor of Paris, Andreas Randulf and Dietrich von Nieheim,[36] all members of the University, became the leaders of the party and the foremost advocates of a General Council as the court of last appeal. Associated with them in leadership was the great canonist of the University of Padua and future Cardinal, Francis Zabarella.[37]

THEORIES OF THE CONCILIAR PARTY

These scholars made a study of the theories, ecclesiastical and political, which had been advanced during the Fourteenth Century, and sought to formulate a plan for a General Council which would give to it a legal standing and render it not only independent of the Pope, but the final court of appeal.[38] In this plan they did not question the primacy of the Pope nor did they impugn the monarchical authority in the Church. But they qualified these concessions by insisting that the General Council had power to regulate, correct, and if need be, to overrule the

36 GIERKE, *op. cit.*, p. 52 ff. DIETRICH VON NIEHEIM is the author of the celebrated tract, *De Modis Uniendi et Reformandi Ecclesiam in Concilio Universali*, which VAN DER HARDT has attributed to John Gerson, cf. Helmstadt MSS. VDH., I, v. coll. 68-143. PASTOR, *op. cit.*, vol. I, p. 193, declares that Lenz in his *Drei Tractate aus dem Schriftencyclus des Konstanzer Concils*, has established the authorship of Dietrich von Nieheim. It is in this tract that the striking apostrophe is addressed to John XXIII in which he is urged to resign his claims to the Papacy. "Do not say: I have a right to the Papacy. Do not, under the appearance of justice, corrupt the whole body of the Church. A good man verily brings good things from his treasure. If, then, you are good, as another Christ, you should offer yourself in the garden to the Jews, saying: Whom seek ye? Do you seek me Jesus of Nazareth, the Pope, that I should resign? Behold here I am, if you seek me, be converted and come." *l. c.*, col. 112.

37 Cf. *Vita Francisci Zabarellae Cardinalis Florentini*, presented at the Council of Constance by POGGIO in VDH., I, ix, 537-546.

38 GIERKE, *op. cit.*, p. 52.

that he wished to say nothing against the liberties and immunities of the Holy Roman Church, he insisted nevertheless that the prelates of France were capable of judging all appeals in their last resort; that the final court of appeal should be the Primate of France. SALEMBIER, *op. cit.*, p. 210. Prior to the schism, no doubt, the Patriarch would have been well satisfied to have the court at Avignon judge the appellate cases of the Christian world.

Papal power.[39] As far as can be judged, the Conciliar party, at this period, had not formulated any definite theory of ecclesiastical sovereignty, but in the several Aristotelian forms to which they gave earnest consideration, it is clear that they were not reluctant to consider suggestions which, if accepted, would imply a radical change in the constitution of the Church. Of these theories two were given serious consideration: one which might be called an aristocratic form of government in which the Cardinals were set up as a sort of intermediary power between the Pope and Council,[40] the other, rather democratic in character, which satisfied the views of the more radical element in the party, would make the Council itself supreme.[41]

DANGERS IN A GENERAL COUNCIL SHOWN AT PISA

But the convocation of a General Council on the basis of the theories advanced by the Conciliar party was not without a considerable element of danger, as was amply demonstrated by the attempt of the Cardinals of the two contending Popes to hold a Council of Pisa in 1409.[42] The reluctance of some to hold a General Council was indeed justified by the results which attended this effort. In accord with the principles of the Conciliar party it was assumed that a General Council representing the Universal Church is the court of highest appeal and has the right to compel the Pope to submit to its judgment.[43] Relying further on such assumption of authority, this Council also established a dangerous precedent when it decreed that another Council should be held after three years.[44] As Emerton[45] remarks, this action is

39 *Ibid.*, pp. 52-53; cf. BOUIX, *De Papa, ubi et de Concilio Oecumenico*, p. 456.

40 GIERKE, *op. cit.*, pp. 53-54.

41 *Ibid.*, cf. note 199. The climax of these theories may be said to have been reached when Theodore de Vrie in his *Historia Concilii Constantiensis*, declared, though in figurative language, that there was no need of a Pope at all as the body of the faithful is self-sufficient. Cf. *Prosa Libri Secundi*, distinctio, iii, in VDH., I, i, coll. 31-34.

42 To offset this attempt of the rebellious Cardinals, each of the rival Popes likewise convoked a Council. Gregory XII convoked a Council which was to meet at Aquileia (cf. MANSI, *op. cit.*, XXVI, coll. 1085-1096) and Benedict XIII summoned one to meet at Perpignan (*ibid.*, coll. 1103-1123). Both of these Councils were held almost simultaneously with the Council of Pisa; but neither is worthy of more than a passing notice.

43 Cf. Letter of the Cardinals to the Duke of Brunswick, Celle MS. in VDH, II, ii 62-68.

44 Wolfenbüttel MS. in VDH., II, ii, 154-159.

45 "The First European Congress" in the *Harvard Theological Quarterly*, vol. xii, p. 279.

significant, since it is the first time in conciliar history that a Council had adjourned to a definite future date. It marks, we may say, the beginning of an attempt to make the General Council, held periodically, the supreme governing power in the Church.

RESULTS OF THE COUNCIL OF PISA

One may well ask, regarding the Council of Pisa, did it accomplish anything? It was the first practical attempt to put the theories of the supremacy of a General Council into practice, but it only succeeded in making the schism more confusing by adding a third claimant to the Papacy. It not only elected a third Pope, but the choice was unhappy. The man chosen was Peter Philargo, the aged Cardinal of Milan (Alexander V),[46] who was but a puppet in the hands of the capable but unscrupulous Baldassare Cossa, the Cardinal Legate of Bologna. After a pontificate of little more than ten months, Alexander died at Bologna and Baldassare Cossa himself was elected in his stead. The new claimant took the title of John XXIII. One evil and one good effect may be said to have resulted from the attempt to hold a Council at Pisa. In the first place it brought about the election of a third Pope, an evil which was magnified by the fact that Baldassare Cossa was later able to secure the tiara for himself. On the other hand it demonstrated what was to be expected if the principles of the Conciliar party were put into practice. But the warning went unheeded.

DANGERS IN A GENERAL COUNCIL NOW SEEN

The Council of Pisa had, however, centered attention on the difficulties with which a General Council must deal. It could now be foreseen that the very evils, which the proposed Council was expected to correct, would manifest themselves in unmistakable fashion in the Council itself. In the first place the fac-

46 On October 12, 1409, Alexander V, himself a Franciscan, issued the Bull *Regnans in excelsis*, by which the mendicants were permitted to hear confessions and preach in every part of Christendom regardless of the will of the local ordinaries. To say the least, this move on the part of the Pisan Pope was not good policy, for it raised considerable rancour throughout Europe, especially in the University of Paris whose support he could not very well dispense with. Gerson denounced this action of Alexander as fomenting strife and division. As the acceptance of the Council of Pisa by Christian Europe depended to a large extent on the popularity of the Pope it had chosen, the Bull of Alexander did much to discredit that Council. Cf. *Forschungen und Quellen*, etc., pp. 243-247.

tionalism, which had sustained the schism and which was responsible for the three rivals for the Papacy, would undoubtedly manifest itself with equal force in the Council. The very elements which nourished the schism outside would become more dangerous when united in assembly, and nationalism, which supported the rivals in the schism, was likely also to be a dominant factor therein. Further, in the question of reform, no steps could be taken which demanded a surrender of the rights claimed by either the spiritual or temporal rulers. It was one thing to clamor loudly for reformation; it was another to take steps by which the reformers themselves would be reformed. It was also evident that if the Council were to undertake the work of reformation thoroughly, then the question of the relations of Church and State would no doubt present itself in a phase which would at once go to the heart of the problem of reform, but would at the same time, arouse the bitterest controversies in the Council. One phase of the question was the matter of Papal revenues. This problem had assumed at this time a more controversial aspect between the temporal and spiritual rulers than at any other period in the long history of ecclesiastical tithes. The reason for this is clear. The Popes during the exile at Avignon were deprived of much of their patrimonial revenues from Italy. To make up for this loss, some of the Popes, notably John XXII, had evolved a system of taxation, and applied it to all of Western Europe. One phase of this taxation, the *annates*, or the revenues of the first year from ecclesiastical benefices which were sent to the curia, occasioned much complaint from ecclesiastics and princes throughout Europe since both were deeply affected by it.[47] The schism had made this taxation even more onerous since each of the rivals for the Papacy was forced to increase the taxes

47 At the Council of Constance the complaint was made by Cardinal D'Ailly that the Popes of Avignon, especially John XXII and Clement VI, had made reservations of benefices which before their time had not been heard of. Cf. *Monita de Necessitate Reformationis Ecclesiae in Capite et in Membris*, Vienna (Caes) MS. in VDH. I, vii, 288. Cf. LENFANT, *Histoire du Concile de Constance*, vol. II, v, pp. 137-138. In his chapter "La fiscalité pontificale." MOLLAT maintains that although John XXII has been considered as "l'inventeur, l'auteur et le père des annates," it was in reality Clement V "qui, les reclama en Angleterre au profit du trésor apostolique." *Les Papes d'Avignon*, p. 367. On the death of Clement V in 1314, his successor, John XXII, found the Papal treasury depleted. To relieve this condition he made use of the imposts on Christendom that had been in vogue during the reigns of his predecessors. *Ibid.*, pp. 378-379.

on the territory that gave him allegiance in order to be compensated for the losses occasioned by the following of his rivals.[48]

THE QUESTION OF CHURCH SOVEREIGNTY

The most serious problem, however, which the Church was to face in the Council, was the acknowledgment of the supremacy of a General Council. Since this acknowledgment was practically the equivalent of a denial of Papal sovereignty, it involved a radical change in the constitution of the Church. The manner in which the Council of Pisa had been conducted had already presaged a change in ecclesiastical polity from what in political terms might be called a monarchical to a parliamentary form of government. Nor was the danger altogether limited to a possibility of change merely in the form of Church sovereignty. Such a substitution involved a still more radical threat inasmuch as it coincided with a claim already well established in theory that people had the right to be represented in sovereign assemblies. Such a right, if acted on, would imply that a General Council would represent not the soul of the Church, but the body of the faithful in the person of the delegates chosen for that purpose. Emerton[49] has aptly summarized this situation. Writing of the Conciliar movement he notes: "The whole movement was gathering force, not from above or from the centre, but from below and from the circumference. The members of the efficient Council of the future were not to be *summoned;* they were to be *sent.* They were to be, not selected officials of a highly organized hierarchy, but *representatives* of districts and classes, of states and cities and learned bodies, coming together *as of right.* Their deliberations were to be under the guaranty of secular powers, and their decisions needed no sanction from any other element in the Church. The sequel was to show that these nominally religious assemblies were to be the most emphatic expression of European nationalism as yet attempted." It can be readily seen that such a conception was sure to foster among the delegates a sentiment that was not only repugnant to the traditional attitude of delegates to a General Council, but was

48 *Vide* memorial of the "nations" at the Council of Constance. Cf. LENFANT, *l. c.*

49 *Humanism and Tyranny*, pp. 15-16.

also at variance with the fundamental purpose of their presence at the Council, namely, that of witnesses to tradition.[50]

THE SPIRIT OF NATIONALISM

How great a menace to the interests of Church unity was this new attitude of the delegates, may be appreciated from the fact that during the Fourteenth Century Western Europe had advanced with giant strides toward the formation of national states. This movement had served to bring about a feeling of emulation among the peoples of Europe which might have the effect of convincing the delegates that, even though their fundamental purpose in being present at a General Council was that of being witnesses of tradition, they were also representatives of their nation. Hence it would be their duty at the General Council to advance the interests of their nation and to repel any suggestion of limiting national rights. But such an unecclesiastical spirit, so out of harmony with conciliar tradition, served, if anything, to intensify the growing demand for such an assembly where these sentiments would find expression.

AN INTOLERABLE SITUATION, HOWEVER, DEMANDED A COUNCIL

In spite of the fact that the Council of Pisa had revealed rather than diminished the dangers and difficulties to be faced in a Council at this period, it did not by any means lessen the conviction that in the last analysis the General Council was the only available plan that held the possibility of remedying a condition which had become intolerable. If anything, this assembly served to accentuate the demand. Though the schism had lasted so long, neither the Church nor the people of Europe could adjust themselves to it. Not only had it become a threat to Church solidarity and Christian unity, but a menace to the peace of Europe. This situation alone can account for the seemingly incredible fact that following the fiasco at Pisa the demand for a General Council grew more insistent.

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50 Cf. Billot, *De Ecclesia Christi*, I, q. xvi, 2-3; Pesch, *Praelectiones Dogmaticae*, I, ii, 4, I; Bouix, *op. cit.*, pp. 527-528; Forget, in *Dictionnaire Apologétique de la Foi Catholique*, article "Conciles," col. 614 ff; *Idem*, in *Dictionnaire de Théologie Catholique*, article "Conciles," vol. iii, col. 643 ff; Van Hove, in the *Catholic Encyclopedia*, article "Hierarchy," vol. vii, col. 322 ff.

THE EMPIRE IN SCHISM

It is significant that at this time similar problems troubled that other great medieval institution, the Empire. Worth noting, too, is the fact that these troubles were caused by the factionalism of the followers of the rival Popes. Fearful that the Emperor Wenzel might abandon the allegiance which his father, Charles IV, had pledged to the Roman line of Popes, the electors of Treves, Mayence, Cologne, and the Palatinate of the Rhine met at Lahnstein in 1400 and having deposed Wenzel from the leadership of the Empire, elected one of their number, the Count Palatine, Rupert III, in his stead. Wenzel, however, refused to abdicate his claim to the imperial title, and, as the other three electors remained loyal to him, there were now two claimants for the headship of the Empire.[51] By a strange coincidence this schism eventually involved three claimants also. On the death of Rupert in 1410, the four insurgent electors could not unite upon a successor. Sigismund of Luxemburg and Jobst of Moravia, each secured two of the votes, while Wenzel retained his former support.[52] This condition, fortunately, was of short duration. Jobst of Moravia died in 1411 and Wenzel thereupon agreed to abdicate his claims. Except for the Archbishops of Mayence and Cologne, the imperial electors were ready to accept Sigismund. Strange to say, these two churchmen, who had repudiated Wenzel because of their fear that he might abandon his support of the Roman line, now objected to Sigismund on the ground that he still upheld the cause of the Roman Pope, then Gregory XII. This change of mind, of course, had followed the Council of Pisa. In these circumstances the ambitious Luxemburg prince did not hesitate to cast aside his allegiance to the Roman Pope and thus secure the unanimous vote of the electors. Without further dissent Sigismund was chosen. The newly elected Head of the Empire now became an important factor in the settlement of the schism.[53]

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51 LODGE, R., *Close of the Middle Ages*, pp. 195, 201-203; LENFANT, *op. cit.*, I, i, 4-5.

52 LODGE, *op. cit.*, pp. 203-204; LENFANT, *l. c.*

53 LODGE, *l. c.*

THE ASSURANCE OF A COUNCIL

It may be, perhaps, that the adjustment of the difficulties in the Empire gave new hope for a similar settlement in the Church through the medium of a General Council. Certainly the futility of seeking any method, other than the General Council, to affect the unity of the Church and of solving the other difficulties for which the schism was indirectly responsible, had been demonstrated beyond doubt.[54] As has already been pointed out, the Church in normal circumstances need not have invoked the aid of such a measure; but, as we have seen, Western Christendom was not compelled to meet normal conditions. The situation that must be met was one which, as it affected the traditional sovereign power of the Church, was subversive of unity and which, if not remedied, would perpetuate abuses fatal to the interests of the Church and religion. Day by day the demand for a General Council grew and when once more the Empire was under one Head, additional force was given to the plea, since the newly elected King of the Romans had pledged himself to the furtherance of such a plan.

POSITION OF THE THREE CLAIMANTS

The prospects of holding a General Council, which were made immeasurably better by the election to the Empire of Sigismund, directed attention to the position and claims of the three rivals. As we have already seen, John XXIII had succeeded Alexander V in what might be termed the Pisan line, while the Spaniard, Peter de Luna, had, in 1394, succeeded to the line of Avignon following Clement VII. In the Roman line, Urban VI had been followed in turn by Boniface IX (1389-1404), Innocent VII (1404-1406), and Gregory XII (1406-1415). Of the three claimants to the Papacy, John XXIII held the most strategic position and the most powerful following. His two rivals had been compelled to leave their respective capitals. Benedict XIII had been forced to flee, across the Gulf of Lyons, from Avignon to Spain where he retired to his old home at Peniscola, while Gregory XII was at Gaeta under the uncertain protection of Ladislas of Naples, then the most powerful prince in the Italian Peninsula. Rome itself was in possession of

54 PASTOR, *op. cit.*, p. 192.

Ladislas, but John XXIII, anxious to hold that city and thus secure the added prestige which the traditional capital of Christendom would afford to his claims, did not hesitate to measure strength with him. At the battle of Rocca Secca in 1411 the Pisan Pope won a decisive victory over the Neapolitan prince and compelled him to abandon Rome. In the peace which was effected between them, Ladislas also agreed to abandon Gregory XII, who thereupon fled to the surer protection of Carlo Malatesta at Rimini.[55]

THE COUNCIL AT ROME 1413

John XXIII now entered Rome in triumph, and making a pretense at following the decrees of the Council of Pisa, which had provided that a Council should be held three years after its adjournment, convoked a Council to meet in Rome during the following year. Owing to the wars in Italy and the long delay of the delegates in arriving, the Council was not opened until 1413. The Council was poorly attended and, as far as the major questions of Christendom were concerned, nothing was accomplished beyond the condemnation of the writings of Wycliffe.[56] The need for a General Council was in no way satisfied by this small gathering at Rome, but little encouragement for a more general assembly was to be received from the Pisan Pope. John had little desire to see a representative Council convoked and if such a Council were to be held at all it was to his interest to have it held in Italian territory. He had good reason to fear the issue of a Council that might be held in the territory over which he had neither the mastery nor a dominating influence. But, the choice was not to be left to him, for he was soon to discover that the treaty made after the battle of Rocca Secca was really effective only until Ladislas could recover. Smarting under his defeat that prince again took the field against John XXIII.

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55 *Fillastres Gesta Concilii Constanciensis*, in Finke, *Acta Concilii Constanciensis*, II, pp. 12-13. This is the title given to this document in the volume of Doctor Finke. In this work, however, it will be cited as Fillastre, *Gesta Concilii Constansiensis*. Cf. MILMAN, H. H., *History of Latin Christianity*, vol. VII, book XIII, pp. 326-338.

56 Cf. FINKE, *op. cit.*, I, p. 131 ff. The Bull of Alexander V, *Regnans in excelsis*, was somewhat modified, on the special request of the University of Paris, by John XXIII. cf. *Chartularium*, vol. iv, pp. 204 ff, and FINKE, *Forschungen und Quellen*, etc., pp. 243-247.

SIGISMUND IN ITALY

Following the adjournment of the Council of Rome, Ladislas came northward and entered Rome with a powerful army and John was compelled to flee in haste to Florence. Even there, however, the Pisan Pope was not secure, for the triumphant Ladislas continued his advance and city after city fell before him. John was finally driven to seek refuge in his former stronghold at Bologna where if necessary he could make a final stand.[57] In the meantime Sigismund, the newly elected King of the Romans, had come into Italy and was then at Lodi.

THE PURPOSES OF SIGISMUND

The ostensible purpose of Sigismund in visiting Italy at this time was to treat with the Venetians, who were causing him some annoyance in Dalmatia; but he desired also to watch the movements of Ladislas.[58] The unexpected plight of John, however, turned his thoughts to a more ambitious design. In the person of Sigismund, the Empire was again advancing to the forefront of European political life. Owing to the war with England and the rivalries between the Armagnacs and the Burgundians at home, France was receding from its leading position in Western Europe. Could Sigismund bring about a restoration of unity in the Church and institute a reform, as he had promised to do when elected, he would become the dominating figure in Christendom.[59] But Sigismund realized that such undertakings could be accomplished only through a General Council greater in prestige and representation than that of Pisa. His immediate object, therefore, was to bring about the convocation of such a Council, a matter which might be effected by uniting forces with the much harrassed John, who, despite his troubles with Ladislas, was recognized as Pope by the greater part of Christendom.[60] Could Sigismund effect this he would lift the Empire to a position of supreme influence in European

57 LENFANT, *op. cit.*, I, i, 5-6; FILLASTRE, *Gesta Concilii Constansiensis*, *op. cit.*, II, p. 14.

58 LENFANT, *op. cit.*, I, i, 6.

59 "His interest in the council," says DAVID S. SCHAFF, "was due less to a high religious purpose to bring about reforms in the Church than to an ambition to play a leading part in his generation. He had some taste for books and spoke several languages, but was frivolous, unreliable, and sensual." *John Huss*, p. 163.

60 FILLASTRE, *Gesta Concilii Constansiensis*, in Finke, *op. cit.*, II, p. 14.

politics. There was also a further incentive in convoking the Council, since the delegates might be induced to confirm the decrees of the Council of Pisa, which among other things had excommunicated Ladislas.[61] This last possibility appealed not only to Sigismund, since it would cripple the prestige of a rival in the Peninsula, but also to John XXIII, because of his present embarrassment and his hatred of Ladislas. The Emperor had also another motive, that of uniting the princes of Christendom for a crusade against the Turks who were ravaging his possessions in Hungary. But he realized that such a proposition postulated a united Christendom.

DILEMMA OF JOHN

For his own part, the Pisan Pope, in his difficult plight could look to none but Sigismund for help. John knew, however, that the King of the Romans would aid him only on condition that he would agree to the convocation of a General Council. The Pisan Pope had, of course, no desire to risk his claims to the Papacy before the judgment of a Council;[62] but now Ladislas was moving toward Bologna. While John was in this desperate quandary, Sigismund despatched an ambassador to treat with him on the matter of holding a conference in regard to the convocation of the Council.[63] For a time John hesitated, but finally sent Cardinals Zabarella and Challant, and the Greek soldier-scholar, Manuel Chrysoloras, to make final arrangements for the Council.[64]

MEETING AT COMO

John's representatives met Sigismund at Como, October 13, 1413. Apparently, the delegates had been made plenipotentiaries, but it appears that John wanted them to insist that the Council be held at either Nice or Genoa. But for some unaccountable reason, he left them free to accept any city and, much to his chagrin, they agreed that the Council should be held in the imperial city of Constance in Switzerland, in the latter part

61 LENFANT, *op. cit.*, I, i, 6.
62 FILLASTRE, *Gesta Concilii Constansiensis*, in Finke, *op. cit.*, II, pp. 14-15.
63 *Ibid.*, pp. 8, 14-15; FINKE, *Forschungen und Quellen*, pp. 243-247.
64 Manuel Chrysoloras also attended the Council of Constance during which he died, April 15, 1415. He was one of the leading Humanists of his day. Cf. LENFANT, *op. cit.*, I, ii, 176.

of the following year.[65] In a desperate attempt to change the place, John went personally to visit Sigismund at Lodi, but the Emperor turned a deaf ear to his plea.[66] John was now irrevocably committed to the Council on Sigismund's terms. On December 11, the Pisan Pope issued the Bull of convocation and an imperial edict from Sigismund bade all who were concerned to come to Constance.[67] Following these negotiations John withdrew to Mantua where he remained until the following spring.

SIGNIFICANCE OF THE SITE SELECTED FOR THE COUNCIL

The joint convocation of the Council as well as the selection of an imperial city as a site was a distinct triumph for Sigismund. By this manoeuvre he had successfully ousted the French from their position as the leaders of the reform movement.[68] Already the University of Paris had appealed to John XXIII to have a General Council held on French soil,[69] so in securing his own choice of locality, the King of the Romans made a further triumph, and stood ready to challenge, if he wished, the Council of Pisa, which had been held under French auspices.

ADVANTAGES OF THE SITE

But the advantages of the city of Constance as a site outweighed other considerations. First of all, it was an imperial city and a place calculated to disarm the fears of the contending Popes who dared not trust their person in the territories favorable to either of their rivals. The city of Constance was moreover rather easy of access from Germany, France, and the

65 *Ibid.*, I, i, 8; FILLASTRE, *Gesta Concilii Constansiensis*, II, pp. 14-15.

66 *Ibid.*, cf. SCHAFF, *op. cit.*, p. 164.

67 The Bull of John XXIII, *Ad pacem*, may be found in VAN DER HARDT, VI, i, 9-10. Sigismund's edict, as well as his letters to King Charles of France and Gregory XII in which he invited them to the Council, are in the same volume, VI, i, 5-9. Cf. MANSI, *op. cit.*, XXVII, coll. 537-538.

68 "Although to Sigismund, more than to John, the Council was due, yet to the opinion of the scholarly guild of Europe it was due more than to both of these dignitaries. Pressed by the Hussite disputes in Bohemia, the king saw in the Council a feasible way for settling them, but also a means of displaying his own authority at the expense of his elder brother Wenzel both as a champion of orthodoxy and the protector of the rights of Bohemia. His initiative in seeking the appointment of the council, united with his imperial claims, called forth repeatedly from John XXIII the address 'Advocate and Defender of the Church,' a title Sigismund did not shrink from using himself." SCHAFF, *op. cit.*, p. 164.

69 *Chartularium*, vol. IV, pp. 204-206; HEFELE-LECLERCQ, *Histoire des Conciles*, vol. VII, p. 445 footnote.

countries to the north. Then, too, it was selected by Sigismund himself in opposition to the Papal claimant who was jointly convoking the Council with him. There was also a further advantage in that the spot was one which would give hope and confidence to the Christian world, a point which was emphasized in the edict of Sigismund as well as in the Bull of John XXIII.[70] A Council held in Italy would have meant simply an assembly of the followers of the Pisan Pope; were it held in Spain, it would have been looked upon as an endeavor to solidify the claims of Benedict XIII; factions in Germany made the choice of that country impossible, while the memory of Avignon still clung too closely to France; England was too remote and by reason of its quarrel with France a Council held there would hardly have appealed to the whole of Western Christendom. On the other hand, situated on the northwestern shore of the beautiful Lake Constance, at the outflow of the Rhine into the Untersee, and nestling at the foot of the Alps, the city of Constance was in many respects an ideal spot for what, in point of varied representation, was to be the scene of one of Europe's greatest assemblies.

FORECAST OF THE COUNCIL

For the moment the imperial city of Constance was to become the political Capital of Christendom. With few exceptions the temporal princes of Christian Europe were expected themselves at the Council or were to send representatives. It was reasonably hoped that such a representative Council would be able to effect the union of the Church, destroy the new-born heresies, and institute a far-reaching reform. It was thought also that the Council of Constance might afford an opportunity of reconciling the Western and Eastern Churches. Sigismund had been for some time in communication with the Emperor Manuel of Constantinople and overtures of peace had already been made.[71] The Pope, whose authority went back to the recent Council of Pisa, was to preside, and though Gregory XII still remained under the protection of his one true friend, Carlo Malatesta of Rimini, and the obstinate Benedict XIII was entrenched in the bleak fastness of Peniscola, there was a strong hope that even these

70 *L. c.*

71 Cf. FINKE, *acta Concilii Constanciensis*, vol. I, pp. 391 ff, for correspondence between Sigismund and Manuel.

two would yield finally to the appeal of the Christian world and make their appearance at Constance.

A CONGRESS OF NATIONS

Because of the circumstances of the age, the Council of Constance, though intended to be a General Council of the Church, could not fail to become a forum for the discussion of every variety of European interest.[72] It was to be the "First European Congress"[73] and in it every throb of activity in political life during the preceding century was to vibrate, and every misfortune which the Church had suffered since the beginning of the Avignon Exile was to have its effect. With Western Christendom split into three divisions by reason of the schism and the air filled with the now thoroughly popularized theory that a General Council must afford representation to every locality, it is small wonder that the Council of Constance occupies a place in many respects unique among the Councils of the Church. There European politics were to be exhibited for the first time on a large scale and the theories of popular and local autonomy that had hardly passed the state of speculation were to be put in practical application.[74] But this application unfortunately was to take place only in relation to the Church.

ATTITUDE OF THE DELEGATES

In accord with certain theories which were advanced during the preceding century, many of the delegates to the Council of Constance, were actuated, not entirely by the fact that they were the divinely appointed guardians of the deposit of faith and witnesses of tradition, but also by the consciousness that in a measure they represented the interests of their respective countries. This attitude, it might well be feared, would have its effect on the question that was sure to come up for settlement in one form or another, namely, the relation of the individual to the Church, the question as to what extent the Church might

72 Cf. FIGGIS, "Politics at the Council of Constance" in *Transactions of the Royal Historical Society*, vol. xiii (new series), pp. 103-115.

73 "The First European Congress" by EPHRAIM EMERTON in the *Harvard Theological Quarterly*, vol. xii, pp. 275 ff. WYLIE calls it a "Reichstag of Christendom." *The Council of Constance to the Death of John Hus*, p. 49.

74 FIGGIS, *op. cit.*, p. 103 ff.

claim the loyalty of the individual as against certain demands of the national state.

PROSPECTS OF THE COUNCIL

Probably no General Council of the Church had hitherto gathered with better prospects of accomplishing its purposes than did the Council of Constance. Its convocation was an answer to several generations of pleaders and, in the latter years, to almost the united voice of the Christian world. As the delegates to the Council entered the quiet medieval city in the late autumn of 1414, they carried with them the hopes of a distracted Europe and a sorely tried Church. They stood at the parting of the ways of medieval and modern life and were to decide whether Europe would continue the measured advance toward popular sovereignty which had been brought forward during the middle ages, but which needed a longer period of medieval life to make it operative; or whether abandoning the slow and sure advance, they would be tempted by the sophistries of political thought as advanced during the preceding century and plunge blindly into a revolutionary movement rather than be satisfied with the slower steps of orderly progress. They were also to render judgment on the question that had been discussed for a millenium, namely, the relations of Church and State. In answering this question they were to decide whether the Church had any claims to sovereignty in the national states.[75] The Council in fine was

75 In his chapter on *Personality of Associations*, Professor HAROLD J. LASKI writes in part: "Everywhere we find groups within the state which challenge its supremacy. They are, it may be, in relations with the state a part of it; but one with it they are not. They refuse the reduction to unity . . . Men belong to it; but they also belong to other groups and a competition for allegiance is continually possible. Here, as a matter of history we find the root of Mr. Gladstone's attack on the Vatican decrees of 1870. An allegiance that is unreduced to unity appeared to him without meaning. Yet it is obvious that every great crisis must show its essential plurality. Whether we will or not we are boundless hyphens. When the centers of linkage conflict a choice must be made." *Foundations of Sovereignty*, pp. 169-170. Naturally this conclusion of Professor LASKI flows from his assumption that "sovereignty means no more than the ability to secure consent; and that there is no sanction for law other than the consent of the human mind." Cf. *Studies in the Problem of Sovereignty*, p. 14. This is, of course, a theory which, as Doctor JOHN A. RYAN has pointed out, carries the opposition to state omnipotence to a point that cannot be conceded, failing as it does to recognize that the state has a true moral authority; and that within certain limits, this authority is rationally and morally independent of the assent of the citizens. "We do not accept that moral anarchism (adds Dr. RYAN) which would permit any social group at any time to withhold its allegiance and fix the limits of sovereignty. Our contention is simply that the

to be the last great gesture of medieval life. To paraphrase what Bryce has said of the Holy Roman Empire; into it all the life of the medieval world was gathered; out of it all the life of the modern world arose.[76]

SITUATION IN EUROPE

As the time for the Council approached, Europe was practically in a state of war. Hungary was a prey to the invasion of the Turks, while Bohemia was torn with religious strife. Though the Poles had severely defeated the Teutonic Knights at Tannenburg in 1410, the Knights were not thereby prevented from continuing their incursions into Polish and Lithuanian territory. Germany was in the midst of a struggle between prelates and princes, for nowhere, perhaps, did the schism more seriously disturb political and ecclesiastical life than in the Empire. The strife of a century continued in Italy and the vexed question of the succession of the two Sicilies kept the Italian Peninsula a battleground. Spain was making preparations for the long struggle that at the end of the century would liberate the Iberian peninsula from the Moors, while France was in the throes of a civil war through the disputes between the Burgundian and Orleanist factions. England, still affected by the Lollards, was on the verge of a renewal of hostilities with France.[77] In the midst of all these turbulent conditions the hopes of Europe for peace and union centered in Constance where the great Council was about to assemble.

THE JOURNEY OF JOHN XXIII TO CONSTANCE

In the spring of 1414, John XXIII returned from Mantua to Bologna and while there was relieved of all immediate trouble by the sudden death of Ladislas of Naples.[78] But John was already

76 *The Holy Roman Empire*. p. 446.
77 LENFANT, *op. cit.*, I, i, 3.
78 *Ibid.*, I, i, 10; Cf. *De Vita ac Fatis Constantiensibus Johannis XXIII* of DIETRICH VON NIEHEIM, Liber. I, chap. XXXIX, in VDH, II, xv, 387-388.

sovereignty and authority of the state are not absolute, but are limited and defined by the proper end of the state and its methods of operation, and we insist that the sphere of the Church is not only distinct from that of the State, but higher in dignity and importance." RYAN-MILLAR, *The State and the Church*, p. 43. In substance, the delegates at the Council of Constance were to decide whether or not the church could maintain these claims in the face of the growing omnicompetence of the national state.

irrevocably committed to the holding of the Council and it seemed ironical that when there was no longer any excuse for him to withdraw from his agreement with Sigismund, without a patent display of bad faith, the one cause that had driven him to agree to the Council was removed. Before starting for the scene of the Council he secured from Sigismund and the citizens of Constance a guarantee that he would be received there with the honor due his station, that his jurisdiction should be recognized, and that he would be allowed freedom to withdraw at any time.[79] Sigismund, it seems, would promise anything for his own ends; but in relation to the Council of Constance, he was in this as in other cases, none too ready to fulfill his pledged word. In early October, all arrangements for the journey had been completed and the Pisan Pope set out for Constance. He paused at Meran to consult with Frederick of Austria, whose territories nearly surrounded Constance. At this meeting he made Frederick *Gonfaloniere*, or Captain-General of the Papal forces and assured himself of the protection of a powerful ally against any untoward event at Constance.[80] John XXIII finally arrived at Constance, October 28, where he was received with all due pomp reverence.[81] He came in honor, but was to flee in disgrace. Anticipating that he was to preside at a Council which he hoped would ratify the choice made of his predecessor at Pisa, he was shortly to discover that he was a prisoner who must prove his innocence.

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79 Cf. BZOVIUS in VDH., V, i, coll. 5 ff.
80 Cf. VDH., II, ix, 145 ff (second pagination); LENFANT, *op. cit.*, I, i, p. 18.
81 *Ibid.*, I, i, 20.

THE ORIGINS OF "REAL PATRONATO DE INDIAS"[1]

During the Spanish domination in America the ecclesiastical power was coetaneous with the colonial system and was deeply rooted. This affiliation of the civil and religious authorities was known as the royal patronage, or *real patronato de las Indias*. From an early time there have been two schools of thought on the subject of the origins and nature of *real patronato de las Indias*. They might be called the "regalists" and the "canonists" or "ultramontanists." Briefly the regalists believe that royal patronage in the Indies was laical in origin and therefore inherent in temporal sovereignty. The canonists contend that the patronage was originally not laical but spiritual, and was founded solely on pontifical concessions which were rescindable and non-transferable. Says an eminent proponent of this theory, "The pontifical concession of the *patronato de Indias* to the kings of Spain was a simple, juridic, unilateral act produced *motu proprio*. There were no concordats, contracts, or decrees, but only direct concession from the Holy See."[2] This conflict of interpretations became a subject of more than mere academic interest when the Spanish colonies in America put off the control of the mother country. Then the paramount question became: Do the republics inherit the patronal rights previously exercised by the Spanish kings? The regalists said, Yes! The canonists said, No! Innumerable dissertations have been written to support the two divergent viewpoints, yet no generally accepted conclusion has been reached, and it is highly improbable that any is possible. Yet it is not without significance that the Papacy has never deviated from its contention that the *patronato de Indias* was not inherent in sovereignty and consequently could not be inherited by the nascent American republics. Furthermore, several of the republics at different periods in their histories have tacitly through the negotiation of concordats recognized the papal claim. It is the purpose of this paper to describe what are believed to be the principal steps marking the origins and development of the *patronato de Indias*. Such a discussion, it is hoped, will be of assistance in the formation of

1 Based on a forthcoming book—*Church and State in Latin America*.
2 FAUSTINO J. LEGÓN, *Doctrina y Ejercicio del Patronato Nacional* (Buenos Aires, 1920), p. 186.

intelligent conclusions regarding a complex problem which even at the present day vitally concerns Church and State relations in Latin America.[3]

Ecclesiastical patronage is commonly regarded as the power to nominate or present a cleric for institution in a vacant benefice. Presentation, in reality, is only a part of patronage, for the latter includes the following: (1) the right of presentation; (2) honorary rights; (3) utilitarian rights; and (4) obligations. The most important of these is the first, i. e., presentation or nomination to an ecclesiastical benefice. When a vacancy occurs in a benefice the patron proposes to the ecclesiastical authority empowered with the right of collation the name of a suitable candidate. The right of nomination is the very essence of patronage. The honorary rights include such distinctions as the granting of precedence to the patron and his family in various religious ceremonies, the according of seats of honor to them, special prayers said in their behalf, and the distinction of being buried beneath the high altar. Utilitarian or useful privileges are found in the moral obligation of the favored religious establishment of coming to the financial aid of the patron should he ever be in straits. Moreover, utilitarian rights often include the concession to the patron of first fruits, tithes, and other income from the benefice. Certain obligations devolve upon the patron. He must watch over his benefice and be ever ready to defend it against attack. Patronal obligations of this character were a matter of serious moment in the days of the feudal régime. The patron's interest in caring for the welfare of his benefice gave him no authority to interfere in the administration of its property and the discharge of its spiritual duties.[4]

According to Ribadeneyra who was an outstanding exponent of *regalismo* during the colonial period,[5] royal patronage was laical. Patronage, he said, derived its nature not from its source but from its possessor. Therefore, when a laic possessed it, it

3 On September 16, 1926, Senator Leopoldo Melo revived the patronato question in the Argentine Senate with an attack upon the "ultramontanists."

4 *Catholic Encyclopedia* at "patron"; MATIAS GÓMEZ ZAMORA, *Regio Patronato Español é Indiano* (Madrid, 1897), pp. 141, 154-5, 322; ANTONIO JOACHIM DE RIBADENEYRA, *Manuel Compendio de el Regio Patronato Indiano* (Madrid, 1755), p. 70.

5 In addition to Ribadeneyra, PEDRO FRASSO (*De Regio Patronato*, Madrid, 1677), and JUAN DE SOLORZANO Y PEREYA (*Politica Indiana*, Madrid, 1776), were the foremost lay defenders of *regalismo*.

was temporal. He contended further that it need not necessarily be an apostolic concession, for from the earliest days of Christianity the founders of churches enjoyed the natural right of patronage over the churches founded by them.[6] The mere fact that there is no record of the papacy ever declaring the founder of a benefice as being incapable of enjoying the rights of patronage seems to indicate that this right was acquired *ipso jure* by the mere act of founding or endowing. The popes, said Ribadeneyra, by their concessions added nothing to a natural right; indeed, the title bestowed by the Pope was in fact superfluous for there was no necessity of confirming, as a reward, the temporal founders in a privilege which they were entitled to in simple justice.[7] When Pedro of Aragon renounced the royal patronage and placed it in the hands of Innocent III, the Aragonese resisted, claiming that this right did not belong to the royal person but to the nation. This incident illustrates that the people in the medieval period believed that patronage was inherent in sovereignty.[8]

The above views are vigorously denied by the canonists—particularly the claim that the mere act of founding a church brings to the founder willy-nilly the right of patronage. The fount and source of the duties and privileges known as patronage, they contend, is the Holy See, which, having supreme jurisdiction over the Church can do anything it desires for the advancement of the vital interests of the Church. In consequence the Apostolic Father has been accustomed to reward, *motu proprio*, of his own free will, the performance of a certain class of good works like the founding of temples and the establishment of pious works by bestowing the patronal concessions. The common designation of patronage in papal decretals as *ius spirituali anexum* indicates that the rights of the patron pertain to the spiritual order. Although patronage is generally called a right,

6 The first pontifical document in which this right of nomination or presentation was called the "right of patronage" was a decree of Pope Nicholas II (sixth century). Zamora, *op. cit.*, p. 10.

7 RIBADENEYRA, *op. cit.*, pp. 70-72; SOLORZANO, (Lib. IV, Cap. III, Nos. 1-8), discusses the nature of lay and ecclesiastical patronage, and inclines to the opinion that the *patronato de Indias* was lay in character. GASPAR DE VILLAROEL (*Gobierno Eclesiastico Pacifico*, Madrid, 1656, II, 536) said that there could be no patronage without foundation or endowment.

8 LUCAS AYARRAGARAY, *La Iglesia en América y la Dominación Española* (Buenos Aires, 1920), p. 171.

says Zamora, it is more exactly a *concession*. The efficient cause of this concession is the ecclesiastical authority; the final cause, the gratitude of the Church, and the desire to encourage religion and the cult.[9] In sum, the canonists contend that patronage is a purely spiritual matter, a simple apostolic tolerance revocable at the will of the grantor, notwithstanding that sovereigns have exercised it like an inherent part of their secular sovereignty.[10] With these introductory remarks on the nature of patronage in general, we now turn to a consideration of the origins of royal patronage in Spain and in the Spanish Indies.

In Spain during the first six centuries, after the disappearance of the first successors of the Apostles, it was the customary practice for the bishops to be designated by both the clergy and the people.[11] Until the time of Constantine the Great this practice was necessary because of the obvious circumstances which did not allow the greater number of Christian groups communion with the successors of St. Peter, in whom was vested theoretically the exclusive right of naming and confirming bishops. With the assurance of protection and the establishment of a hierarchy of bishops and ecclesiastical provinces, the Pope, who enjoyed the plentitude of power over all benefices which only he could create, in order to stimulate interest in the new religion and filial attachment for its functionaries, continued the practice of entrusting the elections of prelates to the clergy and and the people of the city where the vacant see was located.[12] Pope Leo I declared that "a bishop should not be given to a people who did not want him." For that reason he deemed it best to leave the election of bishops to the people and the clergy.[13] During the first six centuries in Spain there are numerous references

9 ZAMORA, *op. cit.*, p. 143.

10 JOAQUIM RODRÍGUEZ BRAVO, *Estudios Constitucionales* (Santiago de Chile, 1888), p. 21.

11 Respecting the intervention of the people in the elections some canonists claim that the suffrage of the people, presided over by the clergy is required by divine right. They cite as evidence the election of the seven deacons (Acts 6.3). Others answer that this doctrine does not agree with historical facts, for in most cases the Apostles acted directly and by themselves. LEGÓN, *op. cit.*, p. 68. For the early episcopal elections, see ERNEST RENAN, *Histoire des Origens du Christianisme* (Paris, n.d.), VI, 93 ff, and JOAQUIN AGUIRRE, *Curso de Disciplina Eclesiastica General* (Madrid, 1871), III, passim.

12 BRAVO, *op. cit.*, p. 18; RAFAEL ALTAMIRA Y CREVEA, *Historia de España y de la Civilización Española*, (Barcelona, 1913-1914), I, 123.

13 LEGÓN, *op. cit.*, p. 69.

to the vote of the clergy and the people, but no mention of the royal nomination. There are also innumerable cases of direct action of the Roman pontiff in the creation of dioceses and in the institution of bishops.[14] In sum, prior to the invasion of the Arian Goths the bishops of Spain were elected by the clergy in the presence of the people, and later under the aegis of the princes. During this period the relations with Rome were most intimate. The direct intervention of the populace in the designation of bishops frequently degenerated into strife. These riots gave the temporal lords pretext to intervene in protecting the canonical elections. At first their intervention was limited and legitimate; later the lords began to exercise greater influence in the elections, especially after the ruin of the Western Empire, and eventually they arrogated to themselves a dominant influence in the naming of prelates.[15]

In the Arian church the influence of the crown was most pronounced. Consequently when the Arian heresy came to an end under Reccared the old practices of the Arian Gothic kings in ecclesiastical matters were continued. They exercised the prerogative of both universal patronage and a quasi-absolute government over the churches of the kingdom. Not only did they intervene in all the elections to ecclesiastical benefices, but they convoked national and provincial councils, established new episcopacies, and outlined the limits of same.[16] As can be readily imagined, the relations between Spain and Rome during this period were not intimate, although after the abolition of the Arian heresy the Spanish church always recognized the Pope as head. Indeed, the intimacies of the first period before the Gothic invasion were not restored until the time of Hildebrand the Great.

With the invasion of the Moors the exercise of the patronage was suspended until the reconquest began to gain headway. Then when the ancient sees were liberated the princes appointed bishops to occupy them. In general the Castilian kings followed

14 P. Gual, *El Equilibrio entre los dos Potestades* (Barcelona, 1865), III, 108; T. Ayuso, "El privilegio de los reyes de España en la presentación de Obispos," in Razón y Fé, 1904, II, 469.

15 Zamora, *op. cit.*, p. 166; Ayarragaray, *op. cit.*, p. 153; Legón, *op. cit.*, pp. 118-119.

16 Ribadeneyra, pp. 43-44; Zámora, pp. 179-180; Altamira, I, 200. For a description of royal control over the Arian Church, see Legón, *op. cit.*, pp. 121-122.

the Visigothic tradition in their ecclesiastical relations. They founded and restored episcopal sees, elected and deposed bishops with just cause, convened councils, and judged ecclesiastical *pleitos* or causes. The right of the king to elect bishops was exercised sometimes directly, sometimes indirectly by permitting the cathedral chapter to elect, but in the event of the latter procedure the king had to confirm the election, otherwise it was considered invalid.[17]

Thanks to the efforts of Gregory VII and the other Cluniac reformers, steps were taken in the twelfth century to make the authority of the Pope felt in Spain in the election of bishops and in matters of discipline. Owing to the fact that the Spanish monarchies were weak and decentralized, and that the ecclesiastical holdings had not been feudalized to the extent that they were in northern Europe, Spain was spared the disorders of the German investiture conflict.[18] Remarkably enough, the kings of Castile co-operated with the papacy in abolishing their old privileges over the church. They did not capitulate absolutely, however, for they insisted that the acts of the Pope to have effect in Spain had to receive the royal assent. Thus, as a result of Cluniac influence and the policy of Gregory VII, the Spanish church became dependent on the papacy, and it was freed from the interference of the civil power in ecclesiastical business. Thereafter the Pope maintained legates and representatives in Spain, who presided at general councils and intervened in Church questions.[19] Gregory IX decreed that bishops in Castile were to be elected by majority vote of the cathedral chapter, and the right

17 ALTAMIRA, *op. cit.*, I, 438-439; RIBADENEYRA, *op. cit.*, pp. 44-45.

18 The great controversy between Gregory VII and the German emperors Henry IV and Henry V centered about the imperial practice of granting to bishops and abbots, besides their titles, the possessions which constituted their benefices and the political rights which they were to exercise. Investiture meant that on the death of a bishop or abbot, the king was accustomed to select a successor and to bestow on him the ring and staff, symbolic of his office, with these words: "accept this church." Gregory VII determined to destroy all lay pretentions to the administration of the church, and so, in 1075, withdrew from the king the right of disposing of bishoprics in future and relieved all lay persons of the investiture of churches. The resultant conflict was finally settled by the Concordat of Worms, 1122. The decision at Worms was a compromise, for a distinction was made between the ecclesiastical and secular elements in the appointment of bishops and abbots. The emperor renounced investiture with ring and staff and allowed all churches liberty of election and free consecration. The Pope conceded to the lay authority the right of investing with the sceptre, signifying the granting of the temporalities.

19 ALTAMIRA, *op. cit.*, I, 439; LEGÓN, *op. cit.*, pp. 130-132.

of confirmation was to be vested in the metropolitan. The disorders at the elections finally made it necessary for the Pope in the fourteenth century, to rule that confirmation of bishops belonged to the Roman Pontiff. The question of episcopal nomination was settled sooner and more radically in Aragon than in Castile. Jaime II agreed, over the protests of the cathedral chapters, to entrust the elections to the Pope himself.[20] Thus in Spain by the fourteenth century, the right of universal patronage was lodged in the Holy See where according to canonists it originally resided, after having been exercised respectively by the people, the clergy, and the temporal rulers.

Particular patronage flourished in Spain before and after universal patronage. Its essential nature needs to be described to obviate confusion. From an early date in the history of the Christian Church it became the custom to make concessions to the founders of religious establishments. At first these privileges were conceded only to ecclesiastics. The first recorded instance was a conciliar decree of 441 which provided that bishops who should found churches in foreign dioceses with their own property or that of their diocese were to enjoy the prerogative of electing the ecclesiastics of the new churches. When patronage was conceded to laymen it was only honorary at first. For example, the patron's name or coat-of-arms was displayed on the church in a prominent place. Later the founder acquired the right of presentation. Originally the words "patron" and "rights of patronage" were not used, but "founders" or "builders." In the time of Justinian the rights of patronage were purely personal, that is, non-transmittable. The transmission to heirs was a later step. When it occurred cannot be determined exactly. According to early authorities the real reason for the introduction of the right of patronage was not only to excite the faithful to found and construct churches, but also to express the gratitude of the Church to the founders.[21] Some writers place the date of the Spanish origins of the practice at 655 when the Synod of Toledo granted to laymen the right of presentation to each church erected by them. The reconquest of ancient sees from the Moors and the establishment

20 *Ibid.*, II, 124; ZAMORA, *op. cit.*, p. 245.
21 LEGÓN, *op. cit.*, pp. 77-79.

of new ecclesiastical districts in the conquered territory gave impetus to the development of particular patronage. Gregory VII in 1073 recognized conquest as the title to patronage, following the example of his predecessor Alexander II, who had conceded to the kings of Aragon and their successors the right of presentation to the churches retaken from the Moors or those newly erected in the reconquered territory.[22] These concessions of the Holy See were regarded as recompense for the incessant zeal which the kings of Spain displayed in the wars of the Moorish Crusade. Instead of working against this type of lay privilege, Gregory VII condemned the opposition and resistance of the ecclesiastics of Aragon to the grants made by Alexander II. Since the resistance continued, Pope Urban II in 1095 confirmed to King Pedro I of Aragon the right of patronage over all places conquered from the Moors and over newly founded churches excepting episcopal churches. The king was also conceded first fruits and tithes of the said churches. The fourth Lateran Council declared, "It is not just to destroy the legitimate rights of patrons."[23] From the time of Alfonso I of Castile to the conquest of Granada the Spanish monarchs exercised the privilege of particular patronage.

Some authors attempt to find in the reconquest the real origin of royal patronage. Canon law does not recognize the reconquest as sufficient title for acquiring the patronage. If in Spain it was exercised its use had to be based on some special concession or some pontifical privilege. When France reacquired Rousillon in the seventeenth century the Holy See refused to recognize the right of patronage in the form enjoyed while the province was in the possession of Spain. The same principle applied when the Catholic people conquered regions inhabited by the infidel save that they converted the mosques into churches, endowed them, and in that case acquired the patronage by foundation.

During the last two centuries of the reconquest the question of the election of bishops continued to be an element of dispute between Pope and king. The general practice of the thirteenth century was that the cathedral chapters nominated the bishops,

22 AYARRAGARAY, *op. cit.*, pp. 152, 159-160.
23 ZAMORA, *op. cit.*, pp. 17-18, 194, 220.

the king approved, and the metropolitan confirmed. But by virtue of papal action in the next century, the right of confirmation was taken from the metropolitan by the Pope. The kings, however, did not cease to intervene in elections.[24] Alfonso X of Castile reasserted in royal decrees of 1328 and 1348 that it was an ancient custom in Spain for the kings of Castile to give consent to capitular elections of bishops and prelates. He based his claim on three factors: (1) the kings reconquered the territory from the Moors, extended Christianity, and converted mosques into churches; (2) they founded new churches; and (3) they endowed other churches.[25] Successors of Alfonso made like declarations always being very careful to assure the Church new facilities for carrying on its august mission. Thus, while they prescribed ways of filling offices, the kings of Castile ordered that all pontifical dispositions should be faithfully complied with in the kingdom, and ecclesiastical lands and persons were accorded special *fueros* or privileges.[26]

Several notable papal documents of the middle fifteenth century considerably extended the royal control over the Church in Spain. Pope Eugene IV by a concordat in 1444 conferred the privilege of appointing to lesser benefices upon the king of Aragon. In 1448 Pope Nicholas V conceded to the king of Castile the right of nomination to the greater dignities in fifty-one ecclesiastical benefices in Castile and Leon. In the same year the Grand Master of the Order of Santiago was given the right of nominating to thirty ecclesiastical benefices. In 1455 Pope Callisitus III confirmed the royal right of presentation in Guipuzcoa and Vizcaya. Furthermore the Pope agreed that, in electing archbishops, bishops and abbots for benefices in Castile and Aragon he would elect only persons suitable and acceptable to the king. The kings interpreted this privilege broadly, implying that it was necessary to present candidates to them in order that they might pass on their suitability.[27]

By the time of Ferdinand and Isabella the Spanish sovereigns possessed in the traditions of the Gothic Church, the religious

24 ALTAMIRA, *op. cit.*, II, 90.
25 AYARRAGARAY, *op. cit.*, pp. 151-152; BRAVO, p. 19; ALTAMIRA, *op. cit.*, II, 90.
26 BRAVO, *op. cit.*, pp. 19-20.
27 AYARRAGARAY, *op. cit.*, p. 160.

character of the Moorish wars, and in numerous pontifical concessions, a juridic base upon which to establish their patronage over many churches. But it was particular and not universal patronage, and it was not easy to extend the royal patronage over all the sees and prebends of the kingdom. The Catholic Kings in their efforts to consolidate the monarchy resolved to prevent at all cost the election of bishops in Rome. They insisted, at least, on their rights of being informed and of approving the elections.[28] When Pope Sixtus IV in 1482, without reference to the Spanish crown, appointed a foreigner to the bishopric of Cuenca, Ferdinand and Isabella protested that this was contrary to an earlier law (1476) which declared against such a practice. When they threatened to convoke a general council to reform the Church and make it more harmonious with the interests of the State, the Pope yielded and conceded to the Catholic Kings the right to supplicate in favor of candidates whom they considered qualified.[29] Notwithstanding the Pope's promise the case of Cuenca was repeated in Seville in 1485. As a consequence of this difficulty, the Conde de Tendilla, the Spanish envoy at Rome, secured from Pope Innocent VIII a notable concession to the Spanish demands. In a bull published in 1486 the Pope granted to the Catholic Kings the right of universal patronage over all the benefices whether conquered or founded later within the kingdom of Granada. Furthermore the crown was conceded the perpetual *diezmos* which the converted Moors had to pay to the Church. In 1494 Alexander VI confirmed the above bull and granted the Crown one-third of all the *diezmos* collected not only in Granada but even in the rest of the monarchy.[30] The Pope declared that he was motivated in making these grants because of the religious zeal of the Catholic Kings and their conquest of Granada from the Crescent. According to Zamora the bull of Innocent VIII in 1486 was the first pontifical grant of universal patronage in Spain.[31]

The famous bulls of Alexander VI and Julius II which granted patronal rights in the Indies did not affect the Spanish

28 P. Leturia, "El Origen Histórico del Patronato de Indias," in *Razón y Fé*, vol. 78, pp. 25-26; Altamira, *op. cit.*, II, 485.
29 Legón, *op. cit.*, pp. 404-5, 141.
30 *Ibid.*, p. 141.
31 Zamora, *op. cit.*, p. 285.

kingdom proper. The next step to be noted in the development of the *real patronato Español* was the grant of Adrian VI in 1523. At that time the Pope conceded to the Spanish king the right of patronage over all the consistoral benefices in Spain. It was specifically declared that the patronage thus conceded was "of the same nature, vigor, force, and privilege as that which appertained to the kings by virtue of foundation or endowment."[32] Clement VII in March, 1530, extended the patronage to all the cathedral churches. In 1536 these grants were confirmed by Paul III in consideration of the services of Charles V in the siege of Tunis and the saving of Christians at that place. When Portugal was under the crown of Spain (1580-1640), Pope Urban VIII extended the *real patronato Español* to Portugal and the Algarves.[33]

The nature and scope of the *real patronato Español* was extremely complicated. Being based on traditional practices and numerous grants, its complex character is understandable. Furthermore the effectiveness of its enforcement varied in accordance with the strength or weakness of the Spanish sovereigns. The situation became acute when the first of the Bourbon kings, Philip V, brought to Spain new ideas regarding the prerogatives of the crown and the centralization of power within it. In the concordat of 1737 a weak attempt was made to define the legal relationships of Church and State. It remained for Pope Benedict XIV and Ferdinand VI to agree, in the concordat of January 11, 1753, on the exact nature of the Spanish patronage. The concordat was the means of reestablishing the traditional friendly relations between Rome and Madrid, and it continued to regulate the relations of Church and State in Spain until 1851.[34]

The Pope recognized the right of universal patronage in the Spanish crown without any limitation other than the reservation to himself of the privilege of election to fifty-two enumerated benefices in Spain. There was put into writing what was meant by *real patronato Español* concerning which there had been much doubt and controversy. But since there was no doubt about the *real patronato de Indias*, because of the specific pontifical concessions, the concordat expressly excluded the Church in

32 *Ibid.*, p. 249.
33 AYARRAGARAY, *op. cit.*, p. 165; LEGÓN, *op. cit.*, pp. 141-142.
34 ZAMORA, *op. cit.*, p. 285.

America from the scope of its terms, "there having been no controversy concerning the nomination by the Catholic kings of archbishops, bishops, and vacant benefices in the Indies." Thus the control of the crown over the Church in the Indies was sanctioned and reconfirmed by this concordat. Thenceforward, however, there was vested and recognized in the Spanish kings the right of universal patronage over all benefices of the kingdom with the exception of those reserved to the Pope.[35]

The union of altar and throne was much more intimate in America than in Spain. Indeed, it is difficult to conceive of a more absolute jurisdiction than that which the kings of Spain exercised over all the ecclesiastical affairs of the Indies. The control of the Church by the crown and its representatives in America was regarded as the most valuable of the regal attributes. Ribadeneyra describes the *real patronato de Indias* as "la piedra mas rica, la mas preciosa Margarita de su real diadema."[36] The patronage of the Indies existed both independently of and supplementary to that of Spain. It was based largely (in the estimation of the canonists, *absolutely*) on the following pontifical documents: (1) the bulls of Alexander VI, May 4, 1493, which conceded to the Catholic Kings the dominion of the Indies and the exclusive privilege of christianizing the natives; also the patronal rights as enjoyed by the Portuguese; (2) the bull of Alexander VI, November 16, 1501, which conceded to the Spanish crown the tithes and first fruits of the churches of the Indies; and (3) the bull of Julius II, July 28, 1508, which conceded to the kings of Spain the right of universal patronage over the Catholic Church in the Indies. The circumstances under which these bulls were granted and the general nature of their contents will be examined.

When Columbus reported the discovery of the Indies to Ferdinand and Isabella, the Catholic Kings appealed to the Pope to grant them title to the newly discovered lands. In presenting their petition they insisted that their most ardent aim was to extend the dominion of the Roman Catholic faith. With respect

35 LETURIA, *op. cit.*, p. 35; RIBADENEYRA, *op. cit.*, pp. 117-118; DALMACIO VELEZ SARSFIELD, *Relaciones del Estado con la Iglesia en la Antigua América Española* (Buenos Aires, 1889), p. 42. For the text of the Concordat of 1753, see *Nueva Recopilación*, (Madrid, 1775), I, pp. 45-65.

36 RIBADENEYRA, *op. cit.*, pp. 3-4.

to Queen Isabella we can accept this as the truth, for in her letter of instructions to Columbus (Barcelona, May 29, 1493), she declared to be her first care the conversion of the natives of the new lands.[37] Since the papacy enjoyed such great moral and political authority the temporal rulers sought its aid to prevent other Christian princes from wresting their conquests from them. Portugal at that time was actively engaged in exploration, and it would have been easy for serious conflict to arise between the two Iberian crowns. Thus Ferdinand and Isabella sought the papal confirmation, not so much to legitimize their possession of the new lands as to avoid differences with Portugal. They felt that this could be best accomplished by papal intervention. Moreover, since the task of Christianization, which the Spanish rulers were anxious to assume, constituted a real "apostleship," it was natural and necessary that it should be done under the authority of the successor of the Prince of the Apostles.[38]

The Pope, because of the great distance which separated Rome from America, and because of the lack of means to equip expeditions, was, obviously, unable to Christianize the Indies and establish there an ecclesiastical régime independent of the temporal power. The sovereigns of Spain, on the other hand, were the only ones capable of undertaking the establishment of the transatlantic Church. Thus, in proof of his impotence, and to give impetus to the proselyting zeal of the Spanish kings, Pope Alexander VI acquiesced in their requests. By the bull *inter caetera*, May 4, 1493, there was conceded to the Catholic Kings title to the lands discovered or to be discovered to the west of a line drawn from pole to pole and distant one hundred leagues west of the Azores and Cape Verde Islands. A condition attached to the papal grant was the assumption by the Catholic Kings of the obligation to prosecute missionary work in the new lands.[39]

Some writers detect in the exclusive privilege granted to the kings of Spain to select and control the sending of missionaries

37 Antonio María Fabié, *Ensayo Histórico de la Legislación Española* (Madrid, 1896), p. 19.

38 Ayarragaray, *op. cit.*, p. 160; Leturia, *op. cit.*, pp. 28-29.

39 Francisco Javier Hernaez, *Colección de Bulas, Breves, y Otros Documentos relativos a la Iglesia de América y Filipinas* (Brussels, 1879), I, 12-14.

to America, a grant of the right of ecclesiastical patronage. This interpretation sounds logical, for indeed, the exclusive right of evangelization was as absolute a delegation of authority as it was in the power of the Pope to bestow. According to Ribadeneyra this bull granted the Spanish kings authority to exercise jurisdiction in all matters relating to ecclesiastical government in the Indies, "with full and complete power to act of their own free wills in all that seems to them to be most convenient for the spiritual government."[39] By the bull *inter caetera* the Spanish sovereigns were created a species of apostolic vicars with authority over spiritual matters in America.[40]

On May 4, 1493, Alexander VI published another bull known as *eximae devotionis*. To the Catholic Kings were extended "all of the concessions, privileges, exemptions, rights, liberties, immunities and indults" that had been granted by other pontiffs to the kings of Portugal in their overseas possessions. The most notable of these bulls was that of Pope Callisitus III in 1456, which conceded the right of presentation. In addition the same bull granted to the Order of Christ complete spiritual jurisdiction from Cape Bojador "over all Guinea unto the East Indies." The Grand Master of the Order later became the King of Portugal.[41] Pope Alexander declared that his purpose in bestowing the great privilege upon the Spanish sovereigns was to recognize and reward their Christian zeal in liberating Granada from the Moors, and in sending Columbus to distant lands to discover more people who might be won to the Catholic fold. It is possible that Alexander's nationality, he being an Aragonese of illustrious family, may have influenced him to favor the Spanish monarchs.

On November 16, 1501, Pope Alexander VI published another bull, also called *eximae devotionis* but to be distinguished from that of 1493. This bull most canonists regard as the third great pontifical concession of the *patronato de Indias*. The text of the bull was as follows:

> Alexander, bishop, servant of the servants of God: to the Catholic sovereigns of Spain—Ferdinand the king,

40 RIBADENEYRA, *op. cit.*, pp. 58-60; SOLORZANO, *Politica Indiana*, Lib. I, Cap. XI; CHACALTANA, *op. cit.*, p. 60; LEGÓN, p. 181.

41 HERNAEZ, *Colección de Bulas*, I, 15-16; LETURIA, *op. cit.*, pp. 28-29. The validity of this bull has been contested because of its use, in 1456, of the name "East Indies."

dearest son in Christ, and to Elizabeth (Isabella) the queen, dearest daughter in Christ, health and Apostolic blessing. The sincerity of your devotion and the unswerving faith with which you honor us and the Roman Church merit, and not unworthily, that your wishes, especially those relating to the spread of the Catholic faith, and the overthrow of infidel and barbarous nations, should be freely and promptly granted. Indeed, on your behalf, a petition recently laid before us sets forth that, compelled by pious devotion for the spread of the Catholic faith, you greatly desire—inasmuch as quite recently, and not without great expense and effort on your part, you began and from day to day continue to do more toward the capture and recovery of the islands and regions aforesaid, it will be incumbent upon you to incur heavy expenses and undergo great perils, it is expedient for the conservation and maintenance of the said islands, after their capture and recovery by you, and for the defraying of the expenses necessary for the conservation and maintenance of the same,—you should be empowered to exact and levy tithes on the inhabitants of the aforesaid islands and dwellers therein for the time being. On this account we have been humbly petitioned on your behalf to deign through our apostolic graciousness to make in the premises suitable provision for you and your state. Therefore yearning most eagerly for the spread and increase of that same faith particularly in our own days, we commend in the Lord your loving and praiseworthy purpose, and being favorably disposed thereto we hereby through our apostolic power in virtue of these presents do as a special favor grant to you and your successors for the time being that in the aforesaid islands after their capture and recovery (as observed) you may receive a tithe from the inhabitants thereof and the dwellers therein for the time being, and levy the same freely and lawfully, providing after dioceses shall there be established (whereon we charge your consciences as well as your successors'), you first from your own and their estate shall really and effectively devise a sufficient revenue for the establishment of churches in those islands through you and your aforesaid successors, whereby the incumbents of the same and their administrators may support themselves suitably, carry on the necessary work of those churches for the time being, as well as celebrate rightly the divine worship of Almighty God, and fulfill all diocesan requirements. The Lateran Council, other apostolic constitutions and ordinances or other decrees, to the contrary notwithstanding. Let no one then infringe this our grant, nor dare

> with rashness to contravene its provisions. But should any one presume to set it at naught, let him recognize that he has thereby incurred the displeasure of Almighty God, and of the Blessed Apostles Peter and Paul. Given at Rome at St. Peter's, in the year of the incarnation of our Lord one thousand five hundred and one, the sixteenth day of November, the tenth year of our Pontificate.[42]

The bull of 1501 increased the patronal privileges of the Spanish monarchs by granting them use of the tithes in America. In return for the grant the crown assumed the obligation of defraying from the royal treasury all the expenses incidental to the maintenance and propagation of the faith. In this concession we can detect a phase of the patronage, the utilitarian right, to be specific.[43] The Pope declared that the occasion of this great concession was to compensate the crown for the heavy expenses incurred by the temporal and spiritual conquest. This pontifical disposition bestowed a special character on the patronage of the Spanish kings over the Church in America which was even more comprehensive than that of Granada. In Spain the Church was supported by tithes and special rents; in America these revenues went to the crown and the Church was, in theory at least, supported by royal appropriations and regular endowments.[44]

However extensive was the royal authority over the Church in America, because of the bulls of 1493 and 1501, nevertheless Julius II was reluctant to recognize the patronal rights contained in the bulls of his predecessor, Alexander VI. King Ferdinand, on the other hand, entertained little doubt that the rights of patronage had been conferred, although not expressed in so many words.[45] The question came to an issue in 1504 following Queen Isabella's request that an archbishopric and two bishoprics be created on the Island of Española. Julius II on November 15, 1504, acquiesced in sanctioning the foundation of the sees, but he made no mention of the rights of presentation and the royal claims to the tithes. This meant that the ecclesiastical rents belonged to the future prelates of the sees to ad-

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42 N. A. N. CLEVEN, *Readings in Hispanic American History*, (New York, 1927), pp. 248-249. For text in Spanish, see ZAMORA, *op. cit.*, pp. 299-301.

43 *Supra.*, p. 3.

44 FABIE, *op. cit.*, p. 41; ZAMORA, *op. cit.*, p. 291; LETURIA, *op. cit.*, pp. 29-30; MANUEL SERRAÑO Y SANZ, *Compendio de Historia de America*, (Barcelona, 1921), II, p. 304; *Nueva Recopilación*, I, Titulo V, Leyes 1-8.

45 LETURIA, *op. cit.*, pp. 328-329; AYARRAGARAY, *op. cit.*, p. 164.

minister just the same as they did in the dioceses of Spain. The bull was a patent and unwarranted violation of established policy, and can be explained only as an attempted stroke at independence by Julius II.[46]

Ferdinand, who firmly believed in the patronal concessions of the earlier bulls was not the type of king to acquiesce in such a policy. When the bull was received it was withheld and the sees in Española were not allowed to be founded. Ferdinand, who was a regent of Castile, now that Isabella was dead, wrote to Francisco de Rojas, the Spanish ambassador in Rome, the following instructions: "I order you to look into the bulls that were issued for the creation and provision of an archbishop and bishop in Española; in them there is not conceded to us the patronage of the said archbishop and bishop, nor of the *dignidads* and canons, prebends and benefices with cura and without cura, which ought to be erected in the said isle of Española. It is necessary that His Holiness concede the said patronage perpetually to me and the kings who succeed to the kingdoms of Castile and Aragon, since no mention was made of it in the mentioned bulls, as was the case of those (bulls) of the kingdom of Granada."[47]

The demands of Ferdinand were later incorporated in three petitions to the Pope. He asked that, (1) there be express grant of the right of patronage for the erection and provision of all ecclesiastical benefices; (2) those appointed to benefices should not receive more than that part of the tithes which was apportioned to them by the king; and (3) the king should have the power to determine the territorial limits of the dioceses. Ferdinand demanded that these rights be made to apply to all the Indies, and that the Pope act immediately. The Pontiff, however, would not be hastened, and nothing was done until 1508, when Ferdinand returned to the regency of Castile after the death of Philip I. He then declared with his customary vigor that he would not permit the erection of new sees in America until the right of royal patronage was recognized; that is, until the concessions of Alexander VI were confirmed.[48]

46 LETURIA, *op. cit.*, p. 31; SABSFIELD, *op. cit.*, pp. 33-34.
47 LETURIA, *op. cit.*, pp. 31-32.
48 LETURIA, *op. cit.*, p. 32.

Eventually Julius II capitulated, and by the bull *universalis ecclesiae,* July 28, 1508, he conceded universal patronage to the Spanish crown in the Indies. Whether it be true that this bull granted for the first time the *real patronato de Indias* or whether it merely recognized and reconfirmed rights bestowed in earlier bulls, it is nevertheless, generally regarded as the principal documentary evidence of the legal right of the Spanish sovereigns to exercise jurisdiction over the Catholic Church in America.[49] Because of its prime importance, therefore, it is presented here *in extenso:*

> Julius, bishop, servant of the servants of God. We, presiding by divine choice, although unworthily, over the government of the Universal Church, do concede voluntarily to the Catholic Kings principally those things that augment their honor and glory, and contribute effectively to the benefit and security of their dominions. Since our beloved son in Christ, Ferdinand, illustrious king of Aragon, and also of Sicily, and Isabella, of cherished memory, Queen of Castile and Leon, after having expelled the Moors from Spain, crossed the ocean and planted the cross in unknown lands, and subjugated many islands and places, and among these being one very rich and extremely populous named New Spain, thereby fulfilling to the extent of their ability the saying *in omnem terram exivit sonus eorum.* Therefore, we, in order that it (New Spain) might be purged of false and pernicious rites, and the true religion be planted there, have acceded to the most urgent requests of the king and queen, and do hereby erect for the greater glory of the name of Christ, a metropolitan church in Ayguacen, and two cathedrals in Maguen and Bayunen, and if the converts imbued by the new faith should attempt to found any church or pious place, they should do so in such a way as not to injure the new religion or the temporal dominions of the king.
>
> In view of the fact that the said Ferdinand, who is also at present governor general of the kingdoms of Castile and Leon, and our most cherished daughter in Christ, Juana, queen of the same kingdoms and daughter of the aforementioned Ferdinand, wish that no church, monastery, or pious place be erected or founded either in the islands and lands already possessed, or in those subsequently acquired, without their express consent and that

49 AYARRAGARAY, (*op. cit.*, p. 162), in commenting on the importance of this bull, speaks eloquently of "the magnitude of its conception, and the loftiness of its language."

of their successors; and considering that since it is convenient to those kings that the persons who preside over churches and monasteries be faithful and acceptable to them, they desire that they be conceded the right of patronage and of the presentation of qualified persons for both the metropolitan and Cathedral churches already erected, or to be erected in the future, and for all the other ecclesiastical benefices inside of a year of their vacancy, and also for inferior benefices; and in case the Ordinario should refuse without legitimate cause to grant the one presented with canonical institution inside of ten days, any other bishop, at the request of the king should grant it. We, appreciating that these privileges increase the honor, beauty and security of those islands, and also of the said kingdoms, whose kings are always devout and faithful to the apostolic see, and heeding the reiterated demands made on us by King Ferdinand and Queen Juana, after mature deliberation with our brothers the cardinals of the holy Roman Church, and with their advice, by these presents we concede with apostolic authority, other constitutions, ordinances, and laws to the contrary notwithstanding, to the said Ferdinand and Juana, and to the future kings of Castile and Leon, that nobody without their consent can construct or build in the above mentioned islands, now possessed or to be possessed, large churches; and we concede the right of patronage and of presenting qualified persons to cathedral churches, monasteries, *dignidads,* collegiates, and other ecclesiastical benefices and pious places in this manner: respecting benefices that are instituted in the consistory, the presentation is to be made to us, or our successors, within one year after the vacancy occurs; and respecting the other benefices, presentation will be made to the respective *ordinarios,* and if these refuse without cause to give institution inside of ten days, any bishop in those lands, on the petition of King Ferdinand or of Queen Juana, or the king ruling at that time, can bestow, under those conditions, free and legal canonical institution on the person presented. Nobody should deign to infringe on or act contrary to this concession, and if any one attempts to do so, let him know that he will incur the indignation of God Almighty and of the blessed apostles Peter and Paul. Given in Rome, etc., July 28, 1508.[50]

50 HERNAÉZ, *Colección de Bulas,* I, 24-26. Father Mariano Cuevas, S.J., noted Mexican ecclesiastical historian, contests the authenticity of this bull primarily because of the appearance in it of the name "New Spain." His arguments are, in the opinion of the writer, effectively repeated by Father P. Leturia (*Razón y Fé,* vol. 78, pp. 20-36).

Since the concession of patronage was linked, in the bull of 1508, with the erection of the ecclesiastical province of Española, a fear was felt in Spain that Ferdinand's demands for universal patronage had been ignored.[51] In 1510 the Council of Castile seriously considered making a demand for an amendment to the bull. But it was ultimately decided as being unnecessary when it was pointed out that the identical purpose of extending the territorial scope of the grant could be accomplished, if, in establishing new sees there was an express papal recognition of patronage and presentation for each one. This in fact became the established practice, and if one examines any one of the numerous bulls of erection he will find that they were all drawn up according to standard form, and modeled after that of 1508.[52]

The most extreme canonists contend that the sole title of *real patronato de Indias* was the pontifical concession contained in the bull *universalis ecclesiae*. They regard it as the organic charter of the royal right of patronage in America. Less ardent protagonists of the idea that patronage is purely spiritual in origin, without relinquishing the contention that the privilege is based on pontifical concession, feel that these concessions were conveyed in three or four papal bulls rather than one. By virtue of the bulls of 1493 and 1501 the Spanish sovereigns would have exercised the absolute canonical patronage even though the bull of 1508 had never been issued.[53] As has already been noted, Pope Alexander VI forged three strong links in the chain of the *patronato de Indias;* they were (1) the concession of the evangelical mission to the crown with the obligation in conscience of responding to it; (2) the granting of the exclusive right to found churches and benefices as a consequence and reward of that mission; and (3) the concession of the tithes as a reward for those foundations.

Ferdinand believed that the crown enjoyed the right of patronage over the churches which it founded in America even

51 Due to the rapid decline of population in the island of Española the bishops for the three sees were never appointed. The king on the other hand, asked the Pope to suppress the dioceses and create only one bishopric in Española and another in Porto Rico, both to be dependent on the archbishop of Sevilla. This was done by the bull *"Romanus Pontifex,"* August 8, 1511.

52 LETURIA, *op. cit.*, II, 34, 512; SABSFIELD, *op. cit.*, pp. 34-36; SOLORZANO, *Politica Indiana*, Lib. IV, Cap. IV, No. 11.

53 LETURIA, *op. cit.*, pp. 35-36, 527, n. 1; RIBADENEYRA, *op. cit.*, pp. 51-52.

before the privilege was formally conceded by the Pope in 1508.[54] However, it is to be noted that Ferdinand based his claims on positive historical sources, i. e., earlier pontifical concessions, and not on customary practices. In support of this assertion it is noteworthy that the Spanish sovereigns had been accustomed to petition the pope for certain "concessions." Answering their supplications the Pope "conceded" with apostolic authority what had been requested of him. The bull of 1508, for example, did not "recognize" patronage as already existing by virtue of its inherency in sovereignty, but it explicitly "conceded" it. A clause in the original Latin reads: "Ad magnam instantiam quam super hoc fecerunt et facuent . . . anctoritate apostolica tenore praesentium *concedimus*." Thus in the natal period of the *real patronato de Indias*, the crown consistently declined to base its rights upon anything other than the papal bulls. It remained for regalism of a later period to claim patronage to be a legal right which originated simultaneously with the establishment of Spanish dominion over the Indies.

In spite of the extensiveness of the papal grant of 1508, it will be observed that the bull contained nothing about the royal claims to the tithes, and the demarcation of the dioceses—two of the three points contained in the petitions of Ferdinand. Regarding the privilege of outlining dioceses it does not appear that Ferdinand renewed his demands,[55] but with respect to the tithes he registered a vigorous protest, as we can well imagine considering the practical-mindedness of the king. As a result two bulls were issued, one on April 8, 1510, and another on August 13, 1511, reconfirming the royal rights to the tithes. The *real patronato de Indias* was won and preserved by the tenacious and absorbing policy of King Ferdinand. Had a weaker king occupied the Spanish throne in 1508 it is entirely conceivable that he would have been content to enjoy no greater privileges over the Church in America than he enjoyed in Spain. Therefore, it can be said that, to a large extent, the *real patronato de Indias* was the work of Ferdinand the Catholic.

If the patronage originated as a unilateral act of the Holy See, the doctrine of royal patronage, on the contrary, was also a

54 LETURIA, *op. cit.*, p. 328; SARSFIELD, *op. cit.*, p. 33.

55 This right was conferred on the Spanish crown by pontifical concession in 1543. LETURIA, *op. cit.*, pp. 33-34.

unilateral creation, but of the Spanish crown. The principal agent in the development of this doctrine was Philip II. His conception of the nature of patronage is exhibited in his famous instructions concerning ecclesiastical patronage, addressed to the viceroy of New Spain on June 1, 1574: "As you know, the right of ecclesiastical patronage belongs to us throughout the realm of the Indies—both because of having discovered and acquired that new world, and erected there and endowed the churches and monasteries at our cost, or at the cost of our ancestors, the Catholic Kings, and because it was conceded to us by bulls of the most holy pontiffs, conceded of their own accord."[56] Thus, according to Philip there was a three-fold basis of *real patronato de Indias,* (1) the establishment of dominion through discovery and conquest; (2) the founding and endowing of churches; and (3) the papal grants. It is to be presumed that, in Philip's opinion, any one of these sufficed as legal justification for the exercise of the royal patronage.

The rapidity with which the Spanish crown developed a policy of control and administration of the patronage was remarkable. By the end of the reign of Philip II the civil control of the Church was thoroughly consolidated. Subsequent history added nothing to its essential nature, except perhaps to strengthen and expand even more the royal control. For that reason it is not necessary to enumerate the many papal bulls of erection and confirmation which were issued throughout the colonial period. They extended the scope, but not the nature, of the royal control. Of some importance, however, in the history of the patronage in the Indies were the bulls of Benedict XIV issued in 1753. The first (January 11, 1753), confirmed the rights of the Spanish kings as then exercised in the Indies, and the second (June 9, 1753) declared that the royal patronage was acquired "by foundation and endowment, by privilege and apostolic concession, and by other legitimate title." This bull has been frequently cited by regalists as confirmation of their claims.[57]

Due to the fact that the essential features of the Church-State relations were developed at an early date, the following

56 CLEVEN, *op. cit.*, p. 250.
57 Dictamen sobre provision de benefices eclesiasticos (Mexico, 1824), p. 8.

brief description of the *real patronato de Indias* is applicable to any time during the colonial period:

> "By virtue of it (Bull of Julius II, *universalis eclesiae)* of other concessions obtained later, *and somewhat by custom and corruption,* the kings of Spain came to acquire such a hand in the ecclesiastical government of America, that with the exception of the purely spiritual, they exercised an authority which appeared to be pontifical. Without his permission no churches, monasteries or hospitals could be erected; nor even could a bishopric or parish be founded. Clerics and religious could not go to America without express license. The kings named bishops and without awaiting confirmation they sent them to administer their dioceses. They determined the limits of bishoprics and changed them as they wished. They had the right of presentation or nomination to all benefices or employments, even to that of sacristan, if they wished. They reprimanded severely, calling to Spain or exiling any ecclesiastic, including bishops, who repeatedly acted contrary to orders of the governors, pretending not to hear the voice of the king. They administered and collected the *diezmos,* deciding who ought to pay and how, without making use of bulls and exemptions. They fixed the rents of the benefices and increased them or decreased them as they judged to be convenient. They heard many ecclesiastical causes, and with the *recursos de fuerza* (resort to force) they paralyzed the action of the tribunals or prelates of the church. Finally, no disposition of the Holy Pontiff could be executed without the approval or *paso* of the king. In our primitive ecclesiastical history, for each bull, brief, or rescript from Rome, there were to be counted a hundred cédulas, provisions, or *cartas acordadas* of the king or of the Council. . . . To the king, not directly to the Pope, the bishops presented their doubts, and we are surprised to see that those relating even to baptism are sent to the Council. Always the civil power interposes itself between our Church and the Supreme Pastor."[58]

58 JOAQUIN GARCIA ICAZBALCETA, *Biografia de don Fr. Juan de Zumarraga* (Mexico, 1881), p. 127.

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POURQUOI ROME A PARLÉ

Beaucoup de catholiques de France et d'ailleurs se le demandent encore. Ici et là on ne cesse de faire la même question, écho prolongé aux réclamations des mécontents.

On connaît déjà les douloureux événements qui ont motivé l'intervention du Saint-Siège. Et depuis lors les dirigeants de l'*Action française* reviennent incessamment à la charge pour qu'on leur montre une bonne fois "la consistance, l'exactitude et la justice des motifs" du coup qui les frappe.

Voici un livre écrit spécialement pour satisfaire à leurs exigences.[1] Pourtant on leur a déjà maintes fois répondu. Puis la lecture attentive des documents pontificaux dit assez le pourquoi de la condamnation. Mais rien n'y fait. Et l'on ne veut point se rendre.

Ce dernier ouvrage rencontrera-t-il leur approbation? Après l'avoir parcouru, eux et les autres, admettront-ils la justesse des raisons invoquées par le Saint-Père? Nous formons des vœux pour qu'il en soit ainsi. En attendant, feuilletons ce volume écrit à leur intention. Course très rapide, il va sans dire, à travers ces pages si doctrinales qui certes mériteraient une étude plus longue et plus approfondie. L'espace nous manque. Tout au plus donc quelques observations pour fournir aux lecteurs occasion nouvelle de se mieux renseigner sur ce problème, au fond pas compliqué du tout, mais que les passions, les intérêts se plaisent à obscurcir au grand préjudice de la religion elle-même.

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Pour donner une appréciation d'ensemble, disons immédiatement que ce livre est le triomphe de l'objectivité. Vraiment, auteurs ne sauraient traiter une question avec un sens plus aigu de la seule, de la pure vérité. Les personnes, ils en ont le respect, les circonstances, ils en tiennent compte. Mais,—et ce n'est pas un mince compliment,—celles-ci comme celles-là n'influent en rien sur leur jugement. Les théories, les systèmes, les doctrines, considérés froidement, pour en saisir la genèse, l'évolution et les résultats, voilà ce qu'ils se sont proposé avant tout. Aussi bien, leurs conclusions, elles s'imposent à quiconque a des yeux pour voir et des oreilles pour entendre.

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1 *Pourquoi Rome a parlé.* Editions Spes, Paris, 1927.

Du reste, leur autorité, leur compétence, qui pourrait les contester? Rédacteur aux *Etudes*, la grande revue française partout estimée et écoutée, le R. P. Doncœur, de la Compagnie de Jésus, a signé l'article liminaire. Puis viennent ensuite les RR. PP. Bernadot et Lajeunie, frères prêcheurs. On sait que le premier est directeur de la *Revue Thomiste* et de la *Vie spirituelle*. Quant à l'autre, c'est un professeur de théologie au couvent de Saint Maximim. Garanties doctrinales, ce semble, plus que rassurantes. Ce sont encore MM. les abbés D. Lallement, professeur à l'Institut Catholique de Paris, et F.-X. Maquart, qui enseigne au Grand Séminaire de Reims. Et clôt la série, M. Jacques Maritain, philosophe bien connu, l'un des maîtres les plus brillants de l'université catholique de Paris. Eh bien! ces théologiens, ces philosophes, qui, ils l'avouent eux-mêmes, eurent des sympathies marquées pour le mouvement d'*Action française*, ces prêtres, ces religieux, ce laïque, dont la haute valeur morale, le grand esprit de désintéressement et l'amour sincère de la France et de l'Eglise sont connus dans l'univers entier, ont entrepris d'apporter lumière aux intelligences, force aux volontés et calme aux consciences. Entreprise magnifique, et de prime importance, et d'urgente nécessité, c'est le moins qu'on puisse dire. Oeuvre aussi éminemment apostolique. Apostolat intellectuel on ne peut plus, le premier de tous, et qui reste bien dans les cadres de leur activité propre. Dès lors, ce serait exigence outrée que de réclamer davantage. Avouons qu'ils sont dignes d'être entendus et surtout d'être suivis.

Et, d'abord, rappelons, en guise de principe, en guise de maxime qui domine tout le débat, que l'acte du Pape, dans l'affaire de l'*Action française*, n'est autre chose que religieux. Car, c'est à montrer qu'il est politique que s'ingénient encore et toujours les insoumis. Puis l'on voit d'ici tout le spécieux sophisme et ses conséquences. Or le Saint-Père

il agit dans son domaine propre.

Par ailleurs, il pose un acte pontifical d'ordre disciplinaire, préparé par l'examen qu'il a fait lui-même des doctrines. Il va tout droit à soustraire des fils catholiques à une influence jugée dangereuse à leur foi. Il discerne un péril. Il commande de le fuir. Il mesure un dommage. Il veut le réparer. Aucune puissance au monde ne peut

contre lui invoquer de compétence. En face de la décision du Pape toute voix d'appel est impertinente.

Voilà qui est clair. Et *la règle de fidélité* commande tout simplement d'obéir. Hélas, les faits abondent qui nous disent le contraire. Etrange conduite de trop de fils de l'Eglise! Qu'ils se soient rangés du côté de l'*Action française*, on le comprend, on se l'explique. Amis de l'ordre, tout naturellement ils ont cherché la compagnie de ceux qui pouvaient le restaurer. Mais alliance jugée vite paradoxale et qui posait du coup un grave cas de conscience. Il y avait danger pour des catholiques de se mettre sous la direction de chefs dont les croyances étaient diamétralement opposées aux leurs. Car, ne l'oublions pas, l'*A. F.* n'est pas seulement un parti, elle est encore et surtout une école voulant instaurer "un certain ordre français, intellectuel, sentimental, politique, un certain ordre humain." Charles Maurras, au surplus, ne se faisait aucune illusion sur le péril auquel s'exposaient fatalement ses amis catholiques. Parlant de cet accord entre les deux groupes, il a candidement écrit: "Il n'est pas niable que ces interférences du politique et du religieux peuvent et doivent éveiller dans la conscience catholique, et en très grand nombre, les cas, les doutes, les questions, les scrupules, tant généraux que personnels."

Et alors? Pourquoi reprocher au Pape de réclamer séparation totale d'avec une école, un parti où ses enfants courent de si grands risques de perdre leur foi? Oui, risques d'autant plus à craindre que les dirigeants de ce parti, de cette école, jouissent à bon droit d'une incontestable autorité. Au demeurant, ce que le Saint-Père demande, Charles Maurras l'exige depuis toujours des "maîtres" et "écrivains." C'est donc rester dans les sentiers de la plus élémentaire logique que de suivre généreusement les directives de Rome. Ecoutons-le à propos du *Syllabus:*

> Les "maîtres" et "écrivains," ayant plus de droits que les autres, en ont aussi plus de devoirs. Si les simples ouailles peuvent se contenter d'adhérer aux dogmes définis par le "jugement infaillible" de l'Eglise, les "écrivains," les "maîtres" doivent montrer, en outre, une prudence singulière dans les sujets où la définition dogmatique n'est pas intervenue. Prudence impliquant une déférence extrême envers les simples conseils, une stricte obéissance aux simples règles de discipline.

Cet extrait de Maurras, extrait bien significatif, et qui dicte une règle de conduite dont le juste motif n'échappe à personne, conclut le beau travail que le R. P. Doncœur présente comme l'introduction de tout l'ouvrage.

Il semble donc acquis que ce sont leurs maîtres eux-mêmes qui prescrivent aux adhérents catholiques de l'*A. F.* le nécessaire et évident devoir de l'obéissance au Pape. Mais ce qu'ils paraissent moins comprendre, c'est l'ordre à ces mêmes catholiques, ordre émané de leur chef légitime, de ne plus adhérer à certaines doctrines, parce que erreurs manifestes. Ces erreurs, les RR. PP. Bernadot et Lajeunie les groupent "sous quatre chefs qui forment comme les quatre points cardinaux du système:

"La pensée de M. Maurras est *agnostique*, elle est *détournée du Christ;* son *romanisme* est païen; sa doctrine politique est *naturaliste.*"

Ce ne sont point là de gratuites affirmations. Les nombreux passages empruntés au chef intellectuel de l'*A. F.* nous convainquent facilement que pour lui les problèmes essentiels, entre autres, la conception de la vie, ressortissent à la seule raison indépendante des lumières de la foi, voire "des indispensables clartés des premiers principes de l'intelligence." C'est, sans conteste, lui fermer le chemin qui conduit à l'Etre Suprême, partant, la condamner à l'athéisme. Et tout d'abord, l'*athéisme de fait,* car pratiquement, M. Maurras ne peut admettre cette dépendance de la raison envers un Dieu qu'il ignore. Tous le savent, il a perdu la foi, et depuis longtemps. *Athéisme méthodique* aussi. Comme Jundzill, personnage de l'un de ses livres, il éprouve "un besoin rigoureux de manquer de Dieu." Il essaye de "tout reconstruire sans l'Absolu." Au vrai, agnostique avéré, après avoir dénié à l'intelligence la possibilité de scruter les natures, d'atteindre l'essence des choses, forcément il place une barrière infranchissable entre la *Première essence* et l'esprit humain.

Cette méconnaissance, ou mieux, cette négation de Dieu admise, acceptée comme point de départ, rien d'étonnant ensuite que la pensée maurrassienne soit dans sa marche *détournée du Christ.* En effet, "que pourrait bien dire le nom sacré de Jésus à quelqu'un qui n'entend même plus la voix de la création chantant la gloire du Créateur?" Les enseignements du christianisme, pour M. Maurras, se ramènent à des rêves, sans doute inoffensifs

en soi, tant qu'ils ne menacent pas "l'ordre de la cité humaine." Toutefois, ils peuvent devenir très dangereux pour la société! La Bible, l'une des sources de la Révélation chrétienne, il la considère comme "un livre en lui-même pernicieux contre lequel c'est miracle qu'on se défende." Quant au Christ Jésus, il ne le comprend guère mieux. Puis, que dire de sa conception antichrétienne de l'homme? Les "dons suprêmes" dont nous avons été gratifiés, M. Maurras les tient en sombre défiance et c'est à leur sujet qu'il parle de "fol amour propre."

Ici une sorte d'antinomie se présente tout naturellement à l'esprit. D'une part, une aversion méprisante pour celui qu'il nomme le "Christ Hébreu," et de l'autre, de l'exaltation pour l'Eglise. Comment concilier ces deux extrêmes? Nous y arrivons par l'analyse du concept qu'il se fait du catholicisme. Voir dans l'Eglise, et donc, dans le catholicisme, du naturel seulement, le vider de tous ses ingrédients ultra-spirituels, pour en faire un simple auxiliaire de la civilisation temporelle, voilà la petite opération pratiquée et qui le met à l'aise pour rendre compte de certaines contradictions embarrassantes. Aussi bien son romanisme veut-il dire avant tout "civilisé, organisé, solide, durable, ordonné," toujours cependant selon les directives de la raison indépendante. Vraiment il ne faudrait point lui trop chercher noise de ce paganisme très authentique. C'est l'aboutissement fatal de son agnosticisme.

Même conception païenne de la politique. Toujours l'effet nécessaire de sa philosophie agnostique qui "l'amène à confondre pratiquement le point de vue divin du gouvernement spirituel de l'Eglise avec le point de vue tout humain de la civilisation temporelle, telle qu'il l'entend." D'où l'exclusion de la loi surnaturelle qui règle directement l'action religieuse de l'Eglise et indirectement son action politique.

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Toutes ces erreurs, quoi qu'on en ait écrit, ne restaient pas particulières à quelques-uns des chefs du mouvement d'Action française. Elles descendaient dans le domaine des faits quotidiens et ainsi faisaient tache d'huile. A preuve, les protestations soulevées lors des premiers avertissements de Rome. M. l'abbé Lallement montre bien tout cela, au chapitre troisième de l'ouvrage. Mouvement politique que celui de l'A. F., qui le con-

teste? Mais mouvement politique, lequel, au témoignage du Pape lui-même, nie toute dépendance envers le dogme et la morale catholique. Dans cette école,

> L'autorité de Dieu, principe de tout ordre, de Dieu auteur et conservateur de la société comme de l'individu, et leur fin dernière à tous deux, n'est pas connue comme clef de voûte nécessaire de toute ordonnance politique.
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> . . . . . .
>
> L'Eglise n'est pas considérée, lorsqu'il s'agit des choses de la cité, dans sa réalité surnaturelle de corps mystique du Christ que l'Etat doit aider à poursuivre ses fins surnaturelles, non seulement en reconnaissant son autonomie et en lui accordant toutes les marques de respect, mais par une législation chrétienne sanctionnant le droit chrétien. Elle est considérée avant tout, dès qu'on s'occupe de politique, dans la discipline qu'elle donne à la conscience et aux élans intérieurs, et comme suprême garant de l'ordre rationnel.

Et quand on songe qu'un mouvement comme celui-là entraîne à sa suite beaucoup de jeunes gens catholiques en quête d'une formation à la vie politique! Bien triste encore de savoir qu'un si grand nombre de fils de l'Eglise aient commis la grande erreur d'accepter pour leurs enfants un enseignement politique d'où sont bannis les grandes vérités et les principes moraux qui ont le droit de commander et d'être respectés. Plus que susceptible il faudrait être alors pour reprocher au Saint-Père d'avoir appelé ces théories une "particulière espèce de modernisme politique, doctrinaire et pratique."

Puis l'on connaît l'attitude de l'*A. F.* devant le Souverain Pontife. Toutes sortes de raisons invoquées pour se justifier! Le Pape aurait été mal informé! Et c'est ce spectacle scandaleux, attristant, que les chefs du mouvement donnent au monde depuis les premiers avertissements du Saint-Siège, et surtout, depuis la condamnation. Ne soyons pas trop surpris de cette conduite qui fait de la peine. Ont toujours agi de même ceux que Rome a condamnés au cours des siècles. Protestations d'abord, avec des promesses de soumission et d'obéissance. Après, des explications pour dire qu'ils n'ont pas été compris ou même encore qu'on a été mal informé en haut lieu. Finalement la résistance. Toutes les étapes connues qui nécessairement se

succèdent comme causes et effets. Oui, c'est bien toujours la même histoire, celle aussi de l'*A. F.* que M. l'abbé Maquart raconte à larges traits, mais rapportant tout l'essentiel. Comme leurs devanciers, révoltés contre l'Eglise,

> Ils désobéissent gravement, et ils sont convaincus d'être des fils soumis. Ils outragent le vicaire de Jésus-Christ, et ils sont persuadés avoir pour lui tout le respect qui lui est dû. Ils déforment odieusement les intentions de la cour de Rome et ils s'imaginent de défendre les intérêts les plus sacrés de leur pays. Ils limitent, en fait, le pouvoir spirituel du Pape, et ils tiennent pour évident qu'ils ne font qu'user d'une liberté qui leur a été reconnue. Ils mêlent des questions purement politiques à leurs déviations doctrinales, et jettent ainsi le désarroi dans les consciences, au grand dommage de la paix nationale dont ils pensent néanmoins être les meilleurs ouvriers. En fin de compte, cette attitude a ceci de paradoxal qu'elle est, chez des catholiques, l'attitude même d'un positiviste qui se croit déférent. Du positiviste, ils ont revêtu, sans s'en rendre compte, la mentalité. C'est que, sans en avoir conscience, ils se sont laissé pénétrer par le naturalisme de leur chef; et quand le Pape, avec une clairvoyance dont on doit lui être reconnaissant, a jeté le cri d'alarme, ils se sont trouvé avoir au cœur les sentiments qu'aurait pu avoir un incroyant à qui échappe le sens divin de l'Eglise.

C'est l'œuvre patiente, sûre, des infiltrations! Un bon matin on se réveille avec des idées, un état d'esprit, insoupçonné jusqu'alors, faute d'occasion de se manifester. Et l'occasion se présente . . . le voile tombe. . . .

Déformation qui les a tout naturellement portés à voir dans l'acte pontifical des motifs strictement politiques. Sophisme que l'on propage ici et là. On ne peut en douter, le sens de la condamnation n'a pas du tout un caractère religieux! M. Jacques Maritain n'a pas de misère à démontrer ce *faux présupposé* de l'*Action française*. Les soixante et quelques pages qui terminent l'ouvrage sont consacrées à cette preuve. Ce n'est pas trop long, puisque la résistance tourne autour de cette fausseté. Et vous voyez la mauvaise posture du Saint-Père devant l'univers! Lui, avant tout, chef spirituel, s'appuyer principalement, pour ne pas dire uniquement, sur le caduque politique pour porter une sentence devant laquelle tous ont le devoir de s'incliner!

Ce "présupposé," le profond philosophe l'examine de sang-froid.

> La condamnation de l'Action Française doit être considérée en elle-même: c'est-à-dire dans ses motifs intrinsèques et dans son objet propre. Elle est un acte du Pape, c'est lui qui l'a prononcée, qui en assume toute la responsabilité, de qui dépend sa force juridique: est-ce qu'en le prononçant le Pape n'a pas donné de motifs, assigné d'objet. Nous avons rappelé plus haut les textes pontificaux, ils ne laissent plus aucun doute. Les motifs que la condamnation porte inscrits en elle, qui font corps avec elle et lui donnent d'exister, sont des motifs essentiellement religieux, son objet propre est essentiellement religieux. Pour admettre le présupposé de l'Action Française, il faut violer la nature des choses, admettre, ce qui est absurde, qu'un décret religieux, de par tout ce qui le constitue en propre, est un décret politique, et non religieux.

Mais il faut bien compter avec la *casuistique!* Aussi la résistance s'en est-elle servie, et à souhait! Mon Dieu, des objections, on peut toujours en faire! Et elles pleuvent dans toute cette triste affaire. Les unes plutôt faibles, d'autres assez spécieuses, toutes enfin partant d'un principe faux, inadmissible. Et sans vouloir suspecter les intentions de qui que se soit, on serait tenté de rappeler ici l'aphorisme pascalien: *le cœur a des raisons que la raison ne connaît pas!*

Il est juste d'admettre que M. Maritain se meut facilement à travers le dédale de ces doutes, de ces oppositions, de ces paralogismes. Et ses réponses, pour tout esprit droit, sont des plus péremptoires.

Franchement, *Pourquoi Rome a parlé* devrait faire ouvrir bien des yeux. Certes que les amis de l'*A. F.*, que ses adhérents, aient eu un sursaut de mauvaise humeur à la nouvelle des avertissements puis la condamnation de Rome, cela s'explique. Qu'ils aient même, de prime abord, cru que toute une campagne s'organisait pour tuer une œuvre, un journal, craint avec raison par tout les férus des idées ultra-libérales, ultra-républicaines et laïques, cela se comprend encore. Mais en présence de tous les événements qui se sont déroulés depuis l'intervention de Rome, en présence des preuves irréfutables de l'opportunité, de la

nécessité du coup qui a été porté, on est comme interdit de cette résistance qui s'obstine.

Ce livre dont nous venons de donner une bien pâle analyse est rendu à son 27e mille. Signe non équivoque qu'il répond à un pressant besoin. Espérons qu'il continuera d'apporter la lumière à tant d'intelligences victimes inconscientes "d'une insubordination faite de protestantisme individualiste, laïciste et démocratique."

Notre intention en écrivant ces pages n'a pas été de chercher querelle d'allemands. Nous avons tout simplement voulu contribuer dans la mesure de nos pauvres moyens à faire connaître un ouvrage dont le Saint-Père lui-même a parlé en termes très élogieux. C'est dire que Pie XI y a trouvé l'expression exacte de sa pensée. Ca le dédommage un peu de tant d'avanies dont son auguste personne est trop souvent l'objet dans des milieux où elle a normalement droit à plus d'égards.

L'Université Laval, fière de suivre à la lettre les moindres directions pontificales, est heureuse, dans les pénibles circonstances actuelles, de dire respectueusement au Pape glorieusement régnant qu'elle comprend plus que jamais *pourquoi Rome a parlé.*

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MEDIEVAL MANUSCRIPTS*

Medieval manuscripts have a perennial lure. The books that were in use five or six hundred years ago are very different from our modern books, and nobody can view them without being conscious of the ages which separate our life from the life in which they were produced. Few other objects of the past, not even paintings or sculpture, have the same personal appeal, the same intimate suggestion. And this is naturally so. Great art is ageless; the purely contemporary is there suppressed, made subservient to what is always significant. Before the Gioconda of Leonardo da Vinci or the Moses of Michelangelo we do not think of the centuries which have elapsed since their making. It is in the lesser arts that we see preserved the homely, curious, more minute characteristics of the times. These are human in the every-day sense of the word. And because of this, they force upon us comparisons: we smile at their peculiarities, happy in our superiority, or feel slightly distressed, aware of our own slipshod ways.

Everything is "quaint" about the medieval book. In libraries, every custodian of such manuscripts is familiar with the sighs of surprise which they elicit on the part of the unspoiled visitor. What to wonder at first: at the heavy parchment leaves, the black mass of the writing, or the queer little pictures dressed up with gold? Most of these books are in Latin, in the dead language. And yet they are teeming with life. The monks who in quiet monasteries spent months or years stooping over them left something of their personal presence on the pages. Their beliefs and passions are in the shapes of letters, their fears and laughs in the droll figures of the miniatures. A piece of the age is there. It is quite natural that the first question of the visitor is, how *old* is that manuscript? It is fair to state, however, that the curiosity of the public does not stop with this first impulsive expression of appreciation. People, if they have a chance, want to know more about the matter. The showing of old manuscripts is a grateful task for the librarian.

The parchment or vellum itself has a spell. It gives a thrill to touch these pages, the skins of long defunct lambs, sheeps and calves. Of course, these skins went through considerable

*Published through the courtesy of the Trustees of the Boston Public Library.

treatment before the writing was done upon them. But in spite of the heating and scraping and smoothing, one side of the leaf is still rougher than the other—the touch unmistakably shows whether the page is on the hairy or fleshy side of the skin.

The leaves of different books are, of course, of unequal quality. Sometimes they are thick, coarse and yellow; again, they are thin, smooth and pure white. A great deal depends on the preparation, and first of all on the nature of the skin. Parchment is usually less refined than vellum; but often it is difficult to distinguish the one from the other. It is well to bear in mind that parchment is made from the skin of sheep or lamb, and vellum from that of young calves. The younger the calf, the finer is the vellum; the finest is made from the skin of the still-born animal.

There is also a third variety, though people seldom discriminate even between the other two. This is the membrane, of which the extremely thin leaves are made. The membrane, is not skin; it is to be found between the skin and the flesh.

"Membrana" was, indeed, the most commonly used name in antiquity not only for membrane proper, but also for parchment and vellum—sometimes even for papyrus. But the Latin authors usually qualified the word; they spoke of membranes of goats, lambs, sheep, calves, kids ("membranae caprinae," "membranae agninae," "membranae ovillae," etc.). Curious as it is, the word "parchment" does not seem to have been known at all before the fourth century. It was only in the Middle Ages that "pergamentum" and "pergamerium" became household words with the scribes. The origin of the word is perfectly clear; it was derived from the name of Pergamos (Pergamon or Pergamum), a city in Asia Minor where, in the second century B. C., parchment was supposed to have been first made—an erroneous belief, of course, for hundreds of years before that time the Jews, and doubtless also other peoples, had already used skins for writing. For the sake of completeness, let us add here that the word "vellum" is a derivation from "vitulus," the Latin name for calf.

Paper became known in Europe in the thirteenth century, but it was seldom used even in the fourteenth. For artistic manuscripts parchment or vellum was naturally preferred. With

the fifteenth century, however, years before the invention of printing, paper manuscripts became increasingly common.

The scribes in the monasteries were supposed to do the whole book, from the preparation of the leaves to the last stitch on the binding. Each scribe was acquainted with every phase of book-making. In the larger monasteries, however, there were special workmen to handle the raw skins, to cut and arrange the leaves in the right size and order. There were others (rubricators) who drew the lines across the pages to guide the scribe's hand, and again others (ligators) who worked on the bindings.

Often vellum was used also for the binding, but generally merely to cover the heavy oak or beech boards which alone gave the proper protection to the manuscript. Instead of vellum, pigskin or calfskin was also commonly used. Even these were likely to wear out, so the covers of large folios were, in addition, equipped with bosses. Such a book, then, was able to weather the vicissitudes of time. The covers themselves were simple. Blind-tooling was much in practice, the pattern consisting of a few lines or flowers stamped on the damp leather.

One may see some characteristic old bindings, and examine many varieties of parchment, vellum and membrane at the present exhibition of the Library.

The most conspicuous, and perhaps most attractive feature of the medieval book is the miniature.

People usually associate the word with the size of the picture. In its present usage miniature really means a small picture. Etymologists, however, insist that the word has nothing to do with "minute," that its origin is in the name of that red pigment "minium" which the medieval scribes so delighted in using. But whatever the legitimate ancestry of the word may be, it would scarcely be correct to apply it today in the sense of minium to pictures which may have no red color at all. Where people are wrong is rather in the indiscriminate use of the term "illumination." They often call a manuscript illuminated which is merely illustrated. Illumination means the heightening of light, and this is done by gold or silver. Only such manuscripts are illuminated as contain precious metal.

The illustration was frequently done by the same person who wrote the text. Usually, however, the pictures were executed by special artists: besides the "scribae," there were "miniatori" in the monasteries.

The art of illustration is not peculiar to medieval and modern books. It is as old as writing itself. The pictographs of primitive races are often smeared over with paint. The colored Babylonian clay-tablets were illustrated manuscripts. The Egyptians were the first to carry the art to a high perfection. During the Middle Empire of Egypt, particularly about 1500 B. C., the monks at Thebes produced manuscripts equal in beauty to any other artistic production of the country. In the papyri of Ani, Nu, Hunefer—and in that of Anhai in which gold was used for the first time—the decorations occupy almost as much space as the writing itself. The forty-second chapter of the Book of the Dead, the Weighing of the Heart, is a grand pictorial representation of the Egyptian religion, and the value of the manuscript largely depended on the success of the artist in that scene. The Greeks and Romans also illustrated their books, as is shown by a few surviving copies—an Iliad and a Virgil from the fourth century. From Rome the art was transmitted to Constantinople, and through the influence of the Oriental examples again to medieval Europe. This seems to be at least the logical sequence. But undoubtedly native genius, more than mere tradition, was at work in the European revival. How the Irish monks, the makers of the Book of Kells, the Book of Durrow and a number of other magnificent Gospels, reached such perfection in the sixth and seventh centuries, when the rest of Europe was in utter darkness, is still a mystery. To a large extent, it was through the Irish monks and their Anglo-Saxon disciples that the art of book-making spread throughout Europe. Alcuin at Tours and at the court of Charlemagne exercised a mighty influence that was felt in many countries. In the ninth and tenth centuries the number of monasteries with busy "scriptoria" rapidly increased.

Amateurs often most admire the work of these early artists—the child-like simplicity of their drawings of human figures and the immense intricacy of their geometrical designs. These works indeed have a peculiar effect: the faith of the artist has a savage power that leaps from the pages. But it is difficult not to see

that most of this art was purely conventional; that the drapery was more important than the human figure and that the interlacings of the patterns called more for patience than for genius.

The rise of the art of miniature-painting was really a part of the Renaissance and it came into its own only at the end of the thirteenth century. It steadily developed till the end of the fifteenth century, even after the invention of printing. At first only the Bibles and Missals belonging to the cathedrals or to private ecclesiastics called for the art of the miniaturist, but soon a secular society grew up which learned to appreciate art. Wealthy ladies wished to possess fine manuscripts and their Books of Hours soon rivalled in artistry the Breviaries of bishops. But besides biblical and liturgical books, the period was rich in romances and chronicles. This was the time of the birth of literature in the vernacular: the "Chansons de Geste," the "Roman de la Rose," the Arthurian legends—and their German, Italian, Spanish counterparts—became a fashion in the courts of princes who now regularly employed their own scribes.

With the advance of the Renaissance the art of book-making —calligraphy as well as miniature-painting—necessarily passed beyond the bounds of monasteries. In Florence, Paris, Bruges, Antwerp, in all the important art centers, a number of lay artists devoted themselves to the writing and decorating of manuscripts. They were organized in guilds (those of St. Luke and St. John), as were all the other artists and artisans. The Rue de St. Jacques in Paris, the street in which the first printers later began their work, was for a long time the headquarters of some of the most famous French illustrators. There were local schools of miniaturists everywhere, grouped around some outstanding master. Some artists worked only "in little," but often also the great panel-painters illustrated manuscripts. Many altars and painted windows in the cathedrals were merely enlarged copies of miniatures.

The colors of these miniatures, their immense variety embracing all tints and hues, is a wonder to the modern artists. The freshness and depth of those blues and greens are indeed a delight to the eye. And the delicacy of the greys! Nobody can imitate today the "grisaille" of the fourteenth century painter. The Preraphaelites tried it and produced only clumsiness. The

medieval artists were better artists, because they were also better artisans. The craftsman in them took care of all the trouble of preparation, before the work of the artist was begun. Thus the mixing of colors was a hard and elaborate science with them. They did not buy their pigments ready-made, but made them themselves as the occasion required. A large portion of their apprentice years was devoted to the study of mixing colors, the secrets of which were often jealously guarded. There are, however, several treatises extant (like those of Jehan Le Begue, Petrus de St. Audemar, Johannes Alcherius), containing hundreds of recipes, instructions extending to minute details.

But the manuscript that is merely illustrated seldom has the same appeal as the illuminated manuscript, though the Book of Kells, most splendid of all, has no gold or silver on it. The gold, its lustre and richness, speaks for itself. It is also a curiosity. Modern publishers, as a rule, do not put gold between the leaves of their books.

For the application of gold there were, of course, special devices. Commonly it was put on in a fluid state by the pen or brush. But such gold had a dull, "mat" surface. The "burnished" gold was applied in little pieces or, best of all, in whole leaves. First the ground, the "mordant," was prepared and then the thin gold leaf was fastened upon it. The leaf was polished until it became shiny, reflecting the light like a mirror. Not only for the preparation of the ground, but also for the pasting on of the leaf, there were useful counsels. "Hold thy breath while fastening the gold leaf," one monk admonished his apprentices, "otherwise thou wilt blow it away and may hunt for it afterwards." Even manuscripts which did not have illuminated miniatures usually had illuminated initials. Every scribe knew how to do these, without the help of the illuminator.

The most gorgeous manuscripts—the Grimani Breviary, for instance—were made toward the end of the fifteenth century, after the invention of printing. But the very splendour of these manuscripts already augured the imminent decline. In the earlier periods the miniature was really part of the book, its effect subordinated to the effect of the whole. Later, however, the miniature assumed too great an importance, it became showy and almost independent of the rest of the book.

Among the books now on exhibition at the Library there is one which contains some beautiful illuminated miniatures: a volume of "De Civitate Dei" by St. Augustine. The work was made in the middle of the fifteenth century by a Dutch scribe. Who the miniaturist was is unknown; possibly the scribe who wrote the text. The gold is laid on here in leaf form; at one point one may see the mordant beneath. Other manuscripts on view also contain illuminated miniatures, border decorations and initials. Some of them have artistic value, others are of a more ordinary quality. A French manuscript, an "Histoire Universelle" of the fifteenth century, contains some fine painted miniatures. There are fifty-seven little pictures on this vellum roll. Their drawing is conventional, yet these miniatures have a charming quaintness and the loveliest colors.

The twelve miniatures representing "The Life of Christ"—by far the most artistic in the collection of the Library—are of a later date.

The studious, however, are interested not only in the decorations of a manuscript, but also—or perhaps first of all—in the script. It is the writing that makes the book, and every other feature should harmonize with it. Writing itself was an art in the Middle Ages. The shape and size of the letters, the spacing of the lines, the color of the ink, the arrangement of the written material on the page, all this was done with a view to create beauty. Even more than the miniature, calligraphy reflects the artistic tendency of the age. When in the nineties of the last century William Morris and his friends started the movement now called "the revival of printing," they did nothing else but return to the art of the fifteenth century masters of printing—who themselves were the imitators of the earlier or contemporary scribes. The early masters of printing had the manuscripts before them as models: and they copied them religiously. Every printer imitated the style familiar in his locality. If he happened to be a travelled man, he devised "strange" types, that is, reproduced the characters of foreign scribes. The early printed book wished to look in every respect like a manuscript. The story that Johann Fust, Gutenberg's partner, sold copies of the first printed Bible as manuscripts may be a legend, but it well expresses this

fact. Even the painted and illuminated miniatures were adopted by the early printers. It was only in the last quarter of the fifteenth century that miniatures gave way to woodcuts.

A well-written book thus may have more artistic value than a manuscript that is stuffed with miniatures, but otherwise is poorly executed. One may find much genuine delight in the script of a book. Many elements go into the making of a beautiful page—and the medieval scribes knew it.

The "black letter" makes today the most striking impression upon the casual observer. The blackness of the writing, unfaded after the many centuries, proves that not only the art of mixing colors, but also the art of making good ink had its secrets. Here is one recipe, recommended by Jehan Le Begue:

> Take 4 bottles of good wine, white or red, and 1 lb. of galls, slightly bruised, which must be put into the wine, and allowed to stand in it for 12 days, and be stirred every day with a stick. The twelfth day it must be strained through a strainer of fine linen, and must be poured into a clean jar, and put on the fire to be heated, until it almost boils. Then remove it from the fire, and when it has cooled so as only to be tepid, put into it 4 ozs. of gum-arabic, which must be very bright and clear, and stir it with a stick, then add ½ lb. of Roman vitriol, and stir it continually with the stick, until all things are well fused, and let it cool then and keep it for use. And note, that ink made with wine is good for writing books upon the sciences, because, when books are written with such ink, the letters do not fade, and can hardly be scraped out or discharged from parchment or paper. But if they are written with ink made with water, it is not so, for they can easily be scraped out, and it may happen that the letters written with it will fade.

For the concoction of green, blue and red ink, there were, of course, other well-considered recipes. Experienced scribes invented, besides, sundry little devices, like these:

> "If you wish to prevent the ink from running when using it add the gum of a plum-tree or of an apple, in the boiling, and boil them together.
>
> "After the ink stand has once been filled with good ink, a piece of red orpiment should be put into it; and if this red orpiment will be put into white of egg, it will keep for a long time without putrefying."

The gothic script appears strange today, for it is no longer used anywhere outside of Germany. Most people would be surprised, therefore, to know that till the end of the fifteenth century England was the only country where nothing but gothic characters were used. In the rest of Europe, however, the roman type was a rival of equal force to the gothic. As a matter of fact, it preceded the gothic by a long time. The roman letter was the direct descendant of the Carolingian minuscule, itself a derivation of the script of the Romans. In the eleventh century this roman type of letter disappeared, to return later as the "humanistic" style: the character in which the classics of antiquity were written. In the meantime, from the twelfth century on, the gothic style became supreme in Europe, eclipsing, temporarily at least, every other style. The gothic letters in which the scribes wrote their Bibles were just as much an expression of this style as was the gothic cathedral. Their tall, steep, impatient lines were born from the same God-seeking fervor which created the immense spires of the Cathedral of Cologne. And the round, comfortable curves of the roman letters have an equally close relationship to the spreading and very human arches of Roman architecture.

Between the pure gothic and pure roman characters there are quantities of semi-gothic and semi-roman varieties. Sometimes the roman script influenced the gothic, sometimes the gothic influenced the roman. It requires trained eyes to recognize the many species, to see the distinguishing marks of a particular writing. But even the layman, though perhaps unable to account for it, would feel the difference in the appearance of these letters. The student of calligraphy studies them with a magnifying glass—just as the early type-designers practiced on large-scale drawings. No lesser artists than Leonardo da Vinci and Abrecht Dürer left complete series of their laborious experiments in drawing letters.

Besides the gothic and the roman, there is also a third kind: the "lettre bâtarde." The name has an impolite suggestion; indeed, heterogeneous elements entered into its making. But the "bâtarde," though its gothic affinity is obvious, is an independent character—and a very beautiful one. It developed in France: a happy compromise of the northern and southern elements in French art.

Of finely written books the Library has several specimens. On p. 59 of this issue a half-page from St. Augustine's "De Civitate Dei" is reproduced, showing a pure gothic type. On p. 65 is the facsimile of a page from Lactantius's "Divinae Institutiones," written in Italy in the middle of the fifteenth century. At the very first sight, the page shows a striking resemblance to Jenson's printed pages. There is little likelihood, of course, that Jenson ever saw that particular manuscript; the style, however, was current in Italy in his time, and even the staunchest admirers of the great Venetian printer are obliged to acknowledge that as a type-designer he had little originality. Like the other printers, he copied the manuscripts. His merit is that he copied the best ones. But if not on Jenson, on another great printer our manuscript had an important influence—on William Morris, whose cherished property it was for a long time.

The larger part of the medieval manuscripts of the Library were acquired in 1901, at the sale of the library of the Earl of Ashburnham. The Earl bought together his collections in big groups: its two largest portions were the Libri manuscripts and the Barrois manuscripts, the first bought in 1847 and the second a year later.

Both these collections had their stories. The names of Guillaume Libri and Joseph Barrois will be long remembered in the history of book collecting. Libri, a Florentine by birth, was the more famous of the two. At the age of thirty he was a member of the Institut de France and a prominent figure in the social and artistic life of Paris. As secretary of the commission charged with the inventory of French public libraries, he visited a number of libraries in the provinces, especially those of Dijon, Grenoble, Tours and Orléans, the main depositories of French medieval manuscripts—and he simply carried away whole volumes or, if this was inconvenient, cut out the finest pages with the miniatures. When years later rumors began to circulate about his thefts and he thought the situation to be dangerous, he fled to London and there sold the manuscripts to the Earl of Ashburnham. He never returned to France.

Joseph Barrois, whose name is now associated with that of Libri, did not steal any manuscripts; he merely bought stolen

ones. He was an accomplished bibliographer, the first to publish a catalogue of the collections of Charles V, the Duc de Berry and the other sons of King Jean. In his library he gathered some seven hundred manuscripts, one-tenth of which were appropriated from the Royal Library. When the Libri scandal broke out, Barrois, too, felt the ground uncertain. Following Libri's example, he shipped his collection to London and sold it to the same hospitable Englishman. After the death of the Earl in 1878, many of the Libri manuscripts were sold in Italy; those of the Barrois collection, however, were recovered by France, at a large sum and through the efforts of Léopold Deslisle, then director of the Bibliothèque Nationale, who proved beyond doubt the origin of these manuscripts.

The Public Library possesses twenty-one items that were once in the library of Joseph Barrois. All these were acquired by him through honorable means. Unfortunately, none of our manuscripts have the artistic distinction which characterized the French Royal manuscripts.

The Library's collection is a respectable one—as collections in American public libraries go. However, it is well to recognize the fact that the Library is lacking in medieval manuscripts of the first rank. Of the forty pieces listed on the following pages perhaps eight or ten have a special value, and even these fall far short of the best specimens of the art. Rich as the Library is in other fields, there is no need to conceal its comparative poverty in manuscripts. Only by frank admission can the situation be amended.

For it would be of great benefit if the want could be supplied. One or two examples of the highest artistic perfection, such as may be seen in the great European libraries, would prove of real educational value to the public, to the students in the schools of Boston, and to the thousands of visitors who, coming from all parts of the country, are eager to see, more than anything else, our medieval manuscripts.

ZOLTÁN HARASZTI.

MISCELLANY

*AMERICA

It has been said that some words are half battles. Of "America" it may be said that no word of man has ever meant so much, was ever charged with more explosive force, or has drawn to itself more steadily the hopes and the sympathies of our human kind. Gibbon's summary of Rome's greatness pales before any similar exhibit of "America's" extent, influence and resources. Poets and philosophers and utopists without end have exhausted thought and diction in their efforts to photograph for the Old World the incredible "pull" of "America" on the heart of the average man. While I speak, however, we have entered upon new conditions that compel an enlargement of all former vision, however sweeping, and a recasting of all former judgments as to the office and function in the world of "America" and all that the magic word connotes. In this brief moment we are concerned, with the moral significance of "America" with the ideas of human dignity and human liberty that it spells out on the horizon of life.

The outstanding significance of "America" is freedom of religion, the indefeasible right to worship God according to the dictates of one's conscience, without civil control or interference. For centuries the common man of Europe had groaned under a contrary concept of the State's right and duty. When the religious message from "America" was heard across the Atlantic it was as if a new sun had risen on midday; as if a new life, clean and fresh and sweet, had come up out of the miscellaneous decay of popular rights; as if there had dawned for the multitudes of Europe a new era of that peace and justice so long denied them in the name or on the occasion of religion. The poor fisherman of Arran or Kerry looked across the wastes of the Atlantic and thanked God for the relief that was nearing. The peasant of the Rhine knew that he could soon escape from the intolerable servitude that opened before him. The wretched crofter of Scotland knew that he needed only courage to fly from his oppressors. The Pole, in turn, could fly from the knout and the fierce persecution of his people. In a word, a new upheaval, religious in its spirit and implication, swept through the consciences of the persecuted peoples of Europe.

It was a revolution, not of blood or violence, but of knowledge; the knowledge that henceforth in the newest and richest of states God's sun rose daily over millions of men to whom religious freedom was the first word of the new gospel of hope, a hope long denied them at the point of the sword or exile, but now built into the convictions and the daily life of a new people and a new world. It was this "America" that assured Catholic Emancipation and nerved the Catholic religion in France to rise from its ruins. This "America" identified and destroyed the religious bacillus of three centuries of European war and guaranteed normal conditions of peace and justice to all who chose to seek them in "America." To this new attitude toward religious freedom it was due that during the lifetime of George Washington the population rose incredibly, American commerce and industry reached every port, and American citizens were

*Reply to the toast of "America" at the Consecration Banquet of Bishop O'Reilly, Cleveland, Ohio, February 16, 1928.

everywhere blessed as harbingers of a golden age in keeping with the vastness and the splendor of "America."

This "America" the Catholic Church was the first to appreciate on a scale commensurate with its import, extent, and destiny. Hunted to death in all the Protestant lands of Europe, cruelly harassed in every Catholic land, on the eve of extermination by her eldest daughter she could cry out with Saint Paul (I Cor., XVI, 9) that a great door and evident was opened to her. Through that great portal she came in apostolic poverty and humility, destined to renew the apostolic triumphs but also to live and grow on her own resources, her own experience, chiefly however by the indwelling wisdom of the Holy Spirit.

The reasons for her rapid growth in America were two: faith and freedom. The faith in Jesus Christ, His Gospel and His Church, she found where she had herself planted it, in the hearts of the thousands who crossed without ceasing the Atlantic, rich only in faith, the strength of their hands, and the gratitude they brought, to "America" for such a welcome as had never before been handed to mankind. The freedom she owed to the far vision and the political genius of the great men who wrote "free trade" in religion but in letters of gold, on the new charter of human rights with which they sealed the work of the American Revolution, and thereby planted in it a vital seed of immortality that has not ceased to flourish. The foremost among them, Thomas Jefferson, caused it to be written in his epitaph that he accomplished three outstanding things: The Declaration of Independence, the Virginia Statute of religious liberty and the University of Virginia. Thus equipped, she was the guide of the Catholic man-power that pressed onward across these vast regions, building forever a new frontier until the continent was harnessed and made serviceable to all the arts of man; until its mountains and valleys, its limitless prairies, inland seas and lordly rivers, were written into such a geography as had never been imagined since Adam first named the metes and bounds of earth. Great, on the other hand, were the services that in those early days the Catholic Church rendered to the young Republic in the way of unifying the undisciplined and eager multitudes who poured in through every port, no way homogeneous in language, education, ideals or habits and customs, all their traditions of law and order shattered by a hasty and violent displacement; smarting under immemorial oppression and injustice; ignorant as yet of the divine purpose that was ensouling the new state and so shielding it from grave errors, political or social. Wherever in those early days the Catholic priest set up his altar, these children of many peoples and nations gathered about him and learned from his discourse and his example the meaning of "America." Here one held back the abused and incensed savage, along the new and loosely drawn border line; there another saved for "America" an immense territory, now great states of the Union; there another pierced the forests with roads, set up a printing press and created a university. Elsewhere they were the first, and long the only ones, to open institutions of education and charity along the far-flung lines of Western immigration. To the faith and piety and sacrifices of these priests and their people corresponded an angelic gift, the faith, piety and sacrifice of Catholic religious women, who shirked no peril or inconvenience of the primeval forest

or the broad river, and soon wrote their chapter of service in letters that will shine while hearts are grateful.

While grass grows and water runs the Catholic Church will remember with gratitude and veneration this "America." This new order of civil thought and life as regards religion, that at the most critical point of her long career, came between her and extermination or a long drawn-out slavery that her free spirit, already whetted to an edge by three centuries of unspeakable oppression, could never have brooked.

+ THOMAS J. SHAHAN.

ON SOME "GIFTS FROM KINGS"

An article in the January, 1928, number of THE CATHOLIC HISTORICAL REVIEW, entitled "The Gifts of Kings," by Rev. Henry S. Spalding, S.J., calls for some review for the sake of historical accuracy. Father Spalding sets out to prove that Louis Philippe, King of the French, while yet Duke of Orleans in 1824, presented to Bishop Flaget, the pioneer Bishop of Bardstown, fine vestments, several valuable Old Masters in paintings and other articles for M. Flaget's first cathedral at Bardstown, *erectus* 1813-16.

The facts in the case have been fully dealt with in a paper, prepared by me in 1924 for the Filson (Historical) Club of Kentucky, called "The Curious Legend of Louis Philippe in Kentucky." The purpose of that paper was the truth of history and its tenor was that nothing whatever of gifts could historically be traced to Louis Philippe; but that all the early gifts to that old cathedral were largely fruits of the labors of Fathers Stephen Badin and Charles Nerinckx, two apostles in the wilderness with the saintly Bishop Flaget, later augmented by the work in France and Belgium of Father Chabratx. They went to France and Old Flanders for aid and received it in abundance for that time. The record of these gifts is almost wholly lost, if any was ever prepared. They were probably obtained from individuals of real piety, or were contributions from churches in France, Flanders and Italy that were willing to donate some of their abundant furnishings to the service of God in the New World. But, not a penny, nor a memorial of any kind, apparently, came from Louis Philippe. As Duke and King he proved in his whole career an enormous receiver; as a giver his rank was zero.

The old cathedral, now the church of St. Joseph at Bardstown, is indeed beautifully decorated and is in itself a beautiful decoration in the plain French style of architecture. Bishop Flaget's consecration, the first in America, and St. Joseph's church as the altar of the first See west of the Alleghenies east of St. Louis, have made that edifice an object of love and veneration to Catholics everywhere, and they have enriched it with gifts. But the first-born among those gifts were due to the devoted labors of Frs. Flaget, Badin, Nerinckx, and Chabratx. There is about the gifts, therefore, a real aura of holy beauty, tinged with the romance of great adventures amidst danger, which far outshines any glitter that might be created by the careless gift of any King soever. The facts in the case are duly set forth in the paper and it is not worth while to repeat them here.

It is proper and in a sense important to church history that Father Spalding's now assumed proof that Louis Philippe made the legendary gifts be examined. It is evident that Father Spalding reads history and even documents spread before him so carelessly that he is open to many errors. These appear in his article. Let me summarize the ground work of it all. The proofs that Louis Philippe made the gifts, he says, are now at hand, "Tradition has been verified!"

The proofs consist, he continues, in "three public documents" and he refers us to a scrap book made up by Hon. Ben Johnson wherein are contained photostat reproductions of all the documents and proofs obtainable from government records of the time. They are as follows:

1. A motion made by Congressman Moore of Kentucky in Congress in 1824 to exempt Bishop Flaget from paying import duties upon the alleged gifts of Louis Philippe.

2. A speech of Congressman Wickliffe of Kentucky in 1832 upon another motion with the same statement.

3. The original entry of merchandise in customs of the brig "Union" in 1827, upon which the duties were assessed and the articles valued.

Now, it is to be said that the documents thus submitted do not prove anything further than the earliest known origin of the Louis Philippe legend. If we observe how Father Spalding has examined these "proofs" open before him, we get an idea of the strength of his argument.

First—Mr. Moore's motion was evidently made in writing and printed in the *House Journal*. It reads there thus:

> "Mr. Moore of Kentucky presented a petition of Benedict Joseph Flaget, Bishop of the Roman Catholic Church of the Diocese of Bardstown, praying that the duties chargeable by law '*on some rich vestments and other articles of furniture*' presented by His Grace the Duke of Orleans at Lyons in France for the sole use of the church in which he exercises his religious functions may be remitted; which petition was referred to the Committee on Ways and Means."

Note that he quotes the language of the petition as to the articles, but the language referring to the Duke of Orleans (Louis Philippe) is not quoted. It is Mr. Moore's language, not Bishop Flaget's. To make surer, turn to the report of the Committee on Ways and Means upon the measure. It reads as follows:

> "The petitioner prays to be exonerated from the payment of the duties upon certain articles consisting of vestments, furniture and paintings presented to him by" [here follows a blank half line to be filled in by a name or names, but the pen has been drawn through the last word "by" and across the blank space] "for the use of the church over which he presides and which have been imported into the United States for the use of said church as connected with its religious worship."

So that when Bishop Flaget signed his petition in the form prepared for him he did not state that the gifts were from the Duke of Orleans. But the Orleans myth was already widecast in Kentucky and Mr. Moore, like any other alert politician seeking to help an influential constituent, perhaps thought the glamor of "My Lord Duke's" name would give weight, and so threw it in. The original of the Bishop's petition is not given—or was not found—with the other docu-

ments. It would settle the question. Why not find it? The fate of Mr. Moore's bill is unknown.

Second—the speech of Mr. Wickliffe in 1832, championing a similar but wholly different measure, which this time carried, says the gifts were from His present Majesty, "The King of the French." He was speaking against opposition to a motion he had made March 11, 1828. The motion recorded in 1828 says Mr. Wickliffe asked remission of duties on paintings and furniture presented to Bishop Flaget by "the Pope of Rome and the King of Naples." Not a word about Louis Philippe, who was not yet King. In 1832, however, Louis Philippe was King and making for good will. So Mr. Wickliffe changed the Pope and King "Bomba" into "His Present Majesty the King of the French." It is an old trick. He doesn't quote Bishop Flaget.

Third—the "bill of lading," so-called by Father Spalding, is not a bill of lading at all, but a formal entry of merchandise in customs. It does not even appear to be an original document but a copy made in 1833. This is abundantly suggested in the printed form which is filled in. In the form the printed date is 183— leaving a blank for any year in the thirties. Over this is written in a heavy different ink the figures "27," making it six years earlier. The declaration by the consignee's agent was also apparently changed from 183— (something) to 1827. It has all the earmarks of an erasure, showing that it was copied six years later on a later printed form and the copyist had to change his dates.

Let the copy speak for itself. It identifies the only goods upon which the record shows that repayment was made to Bishop Flaget upon Mr. Wickliffe's motion in March, 1828. The articles came in the brig "Union" from Marseilles (not Versailles as Father Spalding has it) to New Orleans. "In this bill of lading (1824)," says Father Spalding (when it is not a bill of lading and the date is not 1824 but 1827-1833), "it is stated that certain boxes contained pictures and other church furniture from Louis Philippe, Prince of Orleans, to Bishop Flaget of Bardstown."

But the photostat reproduction in Mr. Johnson's very interesting but inconclusive scrap book does not show that. In fact it does not contain any names but those of Smith, master of the brig "Union" and Andrew Hodge, Jr., the importer. The name of Bishop Flaget was not placed upon it until October 4th, 1833, six years later, when it was officially certified that the duties of his portion of the articles had been remitted to him. Louis Philippe's name is not there now and never was.

It is not difficult to see how Father Spalding could have fallen into the error of declaring that the names were there. To what a man's heart wants to believe in sincerity everything he consults contributes to his belief. He read the words of Congressmen Moore and Wickliffe into the bill of lading which does not itself contain them. He wrote with his mind but was seeing with his heart.

Let us now examine the entries in the bill and see what was enumerated as belonging to Bishop Flaget, for customs remission:

"Books, 10 vols @ 4 cents specific	.40
"31 (articles) @ 12½% (tax)	3.87
"937 (articles) @ 15% (tax)	140.55
	$144.82"

Now, according to the specific and percentage taxes then applied the values would be, of the books $6, of the 12½ per cent duties $30.96 and of the 15 per cent duties $937—a total of $973.96! And in this shipment valued at less than $1,000 we are expected to find priceless Murillos, Van Dycks, Rubenses, and other works of classical masters of painting! Murillo, Rubens and Van Dyck had been dead near two centuries, their great values were fully established, every one of their works classified and catalogued, the whereabouts of all known, and yet here comes a whole consignment of them for less than a thousand dollars! We are asked to believe the incredible.

In Mr. Moore's speech, in Mr. Wickliffe's, in the customs entry—in none of these "three public documents"—is there any authority of any sort except that of individual belief by two politicians that these articles were gifts from Louis Philippe. And even they do not agree. Neither Mr. Moore nor Mr. Wickliffe declared that Bishop Flaget told him so. Both were careful in their statements. The legend of the residence in and profuse generosity of Louis Philippe to Bardstown was widely believed at the time. He was the only royalty Kentucky had ever had up to that time and they made the most of him! It is human nature.

The myth was implicitly believed then. And as Father Spalding believes it now, for the sentimental and beautiful reasons that he frankly avows and which do so much credit to the loving memories of his youth and boyish associations. But there is no room for the sentimental in a statement of historic facts. He criticises the paper on "The Legend of Louis Philippe in Kentucky" for identifying the legend of the residence with that of the gifts. He says they are separate, two, instead of one. Well, if they were not one they were Siamese Twins, and the severing of the *chorda umbilicus* naturally destroys both.

There are a number of careless readings of history in Father Spalding's article. He says, for instance, that "Franciscus I Utriusque Ciciliae Rex," to whom three pictures are accredited as gifts, was "a brother-in-law of Louis Philippe." But Louis Philippe married the sister of Ferdinand V of Naples and II of the Sicilies—the notorious "Bomba" of Italian history—and if Francis I of Naples and Sicily gave any pictures he rose from a long occupied grave to do so. These pictures add weight to the guess that they were contributions from churches in Italy and France. The Pope did highly honor Bishop Flaget, but that was after 1835.

The old Cathedral Church of St. Joseph has an atmosphere of sanctity, beauty and age all its own, without reference to any tawdry gilt associations with kings. That atmosphere was created by the brave and indomitable souls of its founders and builders, who have been followed by a long line of worthy successors. It is probably the most interesting monument of Catholicism in the Middle West.

YOUNG E. ALLISON.

DOCUMENT

ENCYCLICAL LETTER OF OUR MOST HOLY LORD PIUS XI BY DIVINE PROVIDENCE POPE

ON THE FOSTERING OF TRUE RELIGIOUS UNITY

To Our Venerable Brethren the Patriarchs, Primates, Archbishops, Bishops, and other Local Ordinaries in Peace and Communion with the Apostolic See.

Venerable Brethren,
Health and Apostolic Benediction.

Never perhaps in the past have we seen, as we see in these our own times, the minds of men so occupied by the desire both of strengthening and of extending to the common welfare of human society that fraternal relationship which binds and unites us together, and which is a consequence of our common origin and nature. For since the nations do not yet fully enjoy the fruits of peace—indeed rather do old and new disagreements in various places break forth into sedition and civic strife—and since on the other hand many disputes which concern the tranquillity and prosperity of nations cannot be settled without the active concurrence and help of those who rule the States and promote their interests, it is easily understood, and the more so because none now dispute the unity of the human race, why many desire that the various nations, inspired by this universal kinship, should daily be more closely united one to another.

A similar object is aimed at by some, in those matters which concern the New Law promulgated by Christ our Lord. For since they hold it for certain that men destitute of all religious sense are very rarely to be found, they seem to have founded on that belief a hope that the nations, although they differ among themselves in certain religious matters, will without much difficulty come to agree as brethren in professing certain doctrines, which form as it were a common basis of the spiritual life. For which reason conventions, meetings and addresses are frequently arranged by these persons, at which a large number of listeners are present, and at which all without distinction are invited to join in the discussion, both infidels of every kind, and Christians, even those who have unhappily fallen away from Christ or who with obstinacy and pertinacity deny His divine nature and mission. Certainly such attempts can nowise be approved by Catholics, founded as they are on that false opinion which considers all religions to be more or less good and praiseworthy, since they all in different ways manifest and signify that sense which is inborn in us all, and by which we are led to God and to the obedient acknowledgment of His rule. Not only are those who hold this opinion in error and deceived, but also in distorting the idea of true religion they reject it, and little by little, turn aside to naturalism and atheism, as it is called; from which it clearly follows that one who supports those who hold these theories and attempt to realize them, is altogether abandoning the divinely revealed religion.

But some are more easily deceived by the outward appearance of good when there is question of fostering unity among all Christians.

Is it not right, it is often repeated, indeed, even consonant with duty, that all who invoke the name of Christ should abstain from mutual reproaches and at long last be united in mutual charity? Who would dare to say that he loved Christ, unless he worked with all his might to carry out the desires of Him, Who asked His Father that His disciples might be "one."[1] And did not the same Christ will that His disciples should be marked out and distinguished from others by this characteristic, namely that they loved one another: "By this shall all men know that you are my disciples, if you have love one for another"?[2] All Christians, they add, should be as "one": for then they would be much more powerful in driving out the pest of irreligion, which like a serpent daily creeps further and becomes more widely spread, and prepares to rob the Gospel of its strength. These things and others that class of men who are known as *pan-Christians* continually repeat and amplify; and these men, so far from being quite few and scattered, have increased to the dimensions of an entire class, and have grouped themselves into widely spread societies, most of which are directed by non-Catholics, although they are imbued with varying doctrines concerning the things of faith. This undertaking is so actively promoted as in many places to win for itself the adhesion of a number of citizens, and it even takes possession of the minds of very many Catholics and allures them with the hope of bringing about such a union as would be agreeable to the desires of Holy Mother Church, who has indeed nothing more at heart than to recall her erring sons and to lead them back to her bosom. But in reality beneath these enticing words and blandishments lies hid a most grave error, by which the foundations of the Catholic faith are completely destroyed.

Admonished, therefore, by the consciousness of Our Apostolic office that We should not permit the flock of the Lord to be cheated by dangerous fallacies, We invoke, Venerable Brethren, your zeal in avoiding this evil; for We are confident that by the writings and words of each one of you the people will more easily get to know and understand those principles and arguments which We are about to set forth, and from which Catholics will learn how they are to think and act when there is question of those undertakings which have for their end the union in one body, whatsoever be the manner, of all who call themselves Christians.

We were created by God, the Creator of the universe, in order that we might know Him and serve Him; our Author therefore has a perfect right to our service. God might, indeed, have prescribed for man's government only the natural law, which in His creation, He imprinted on his soul, and have regulated the progress of that same law by His ordinary providence; but He preferred rather to impose precepts, which we were to obey, and in the course of time, namely from the beginnings of the human race until the coming and preaching of Jesus Christ, He Himself taught man the duties which a rational creature owes to its Creator: "God, who at sundry times and in divers manners, spoke in times past to the fathers by the prophets, last of all, in these days, hath spoken to us by his Son."[3] From which it follows that there can be no true religion

1 *John* xvii, 21.
2 *John* xiii, 35.
3 *Heb.* i, 1 seq.

other than that which is founded on the revealed word of God: which revelation, begun from the beginning and continued under the Old Law, Christ Jesus Himself under the New Law perfected. Now, if God has spoken (and it is historically certain that He has truly spoken), all must see that it is man's duty to believe absolutely God's revelation and to obey implicitly His Commands; that we might rightly do both, for the glory of God and our own salvation, the Only-begotten Son of God founded His Church on earth. Further, We believe that those who call themselves Christians can do no other than believe that a Church, and that Church one, was established by Christ; but if it is further inquired of what nature according to the will of its Author it must be, then all do not agree. A good number of them, for example, deny that the Church of Christ must be visible and apparent, at least to such a degree that it appears as one body of faithful, agreeing in one and the same doctrine under one teaching authority and government; but, on the contrary, they understand a visible Church as nothing else than a Federation, composed of various communities of Christians, even though they adhere to different doctrines, which may even be incompatible one with another. Instead, Christ our Lord instituted His Church as a perfect society, external of its nature and perceptible to the senses, which should carry on in the future the work of the salvation of the human race, under the leadership of one head,[4] with an authority teaching by word of mouth,[5] and by the ministry of the sacraments, the founts of heavenly grace;[6] for which reason He asserted by comparison the similarity of the Church to a kingdom,[7] to a house,[8] to a sheepfold,[9] and to a flock.[10] This Church, after being so wonderfully instituted, could not, on the removal by death of its Founder and of the Apostles who were the pioneers in propagating it, be entirely extinguished and cease to be, for to it was given the commandment to lead all men, without distinction of time or place, to eternal salvation: "Going therefore, teach ye all nations."[11] In the continual carrying out of this task, will any element of strength and efficiency be wanting to the Church, when Christ Himself is perpetually present to it, according to His solemn promise: "Behold I am with you all days, even to the consummation of the world?"[12] It follows then that the Church of Christ not only exists to-day and always, but is also exactly the same as it was in the time of the Apostles, unless we were to say, which God forbid, either that Christ our Lord could not effect His purpose, or that He erred when He asserted that the gates of hell should never prevail against it.[13]

And here it seems opportune to expound and to refute a certain false opinion, on which this whole question, as well as that complex movement by which non-Catholics seek to bring about the union of the Christian churches depends. For

4 *Matt.* xvi, 18 seq; *Luke* xxii, 32; *John* xxi, 15-17.
5 *Mark* xvi, 15.
6 *John* iii, 5; vi, 48-59; xx, 22 seq; cf. *Matt.* xviii, 18, etc.
7 *Matt.* xiii.
8 Cf. *Matt.* xvi, 18.
9 *John* x, 16.
10 *John* xxi, 15-17.
11 *Matt.* xxviii, 19.
12 *Matt.* xxviii, 20.
13 *Matt.* xvi, 18.

authors who favour this view are accustomed, times almost without number, to bring forward these words of Christ: "That they all may be one . . . And there shall be one fold and one shepherd,"[14] with this signification however: that Christ Jesus merely expressed a desire and prayer, which still lacks its fulfilment. For they are of the opinion that the unity of faith and government, which is a note of the one true Church of Christ, has hardly up to the present time existed, and does not to-day exist. They consider that this unity may indeed be desired and that it may even be one day attained through the instrumentality of wills directed to a common end, but that meanwhile it can only be regarded as mere ideal. They add that the Church in itself, or of its nature, is divided into sections; that is to say, that it is made up of several churches or distinct communities, which still remain separate, and although having certain articles of doctrine in common, nevertheless disagree concerning the remainder; that these all enjoy the same rights; and that the Church was one and unique from, at the most, the apostolic age until the first Œcumenical Councils. Controversies therefore, they say, and long-standing differences of opinion which keep asunder till the present day the members of the Christian family, must be entirely put aside, and from the remaining doctrines a common form of faith drawn up and proposed for belief, and in the profession of which all may not only know but feel that they are brothers. The manifold churches or communities, if united in some kind of universal federation, would then be in a position to oppose strongly and with success the progress of irreligion. This, Venerable Brethren, is what is commonly said. There are some, indeed, who recognize and affirm that Protestantism, as they call it, has rejected, with a great lack of consideration, certain articles of faith and some external ceremonies, which are, in fact, pleasing and useful, and which the Roman Church still retains. They soon, however, go on to say that that Church also has erred, and corrupted the original religion by adding and proposing for belief certain doctrines which are not only alien to the Gospel, but even repugnant to it. Among the chief of these they number that which concerns the primacy of jurisdiction, which was granted to Peter and to his successors in the See of Rome. Among them there indeed are some, though few, who grant to the Roman Pontiff a primacy of honour or even a certain jurisdiction or power, but this, however, they consider not to arise from the divine law but from the consent of the faithful. Others again, even go so far as to wish the Pontiff Himself to preside over their motley, so to say, assemblies. But, all the same, although many non-Catholics may be found who loudly preach fraternal communion in Christ Jesus, yet you will find none at all to whom it ever occurs to submit to and obey the Vicar of Jesus Christ either in His capacity as a teacher or as a governor. Meanwhile they affirm that they would willingly treat with the Church of Rome, but on equal terms, that is, as equals with an equal: but even if they could so act, it does not seem open to doubt that any pact into which they might enter would not compel them to turn from those opinions which are still the reason why they err and stray from the one fold of Christ.

This being so, it is clear that the Apostolic See cannot on any terms take part in their assemblies, nor is it anyway lawful for Catholics either to support

14 *John* xvii, 21; x, 16.

or to work for such enterprises; for if they do so they will be giving countenance to a false Christianity, quite alien to the one Church of Christ. Shall We suffer, what would indeed be iniquitous, the truth, and a truth divinely revealed, to be made a subject for compromise? For here there is question of defending revealed truth. Jesus Christ sent His Apostles into the whole world in order that they might permeate all nations with the Gospel faith, and, lest they should err, He willed beforehand that they should be taught by the Holy Ghost:[15] has then this doctrine of the Apostles completely vanished away, or sometimes been obscured, in the Church, whose ruler and defence is God Himself? If our Redeemer plainly said that His Gospel was to continue not only during the times of the Apostles, but also till future ages, is it possible that the object of faith should in the process of time become so obscure and uncertain, that it would be necessary to-day to tolerate opinions which are even incompatible one with another? If this were true, we should have to confess that the coming of the Holy Ghost on the Apostles, and the perpetual indwelling of the same Spirit in the Church, and the very preaching of Jesus Christ, have, several centuries ago, lost all their efficacy and use, to affirm which would be blasphemy. But the Only-begotten Son of God, when He commanded His representatives to teach all nations, obliged all men to give credence to whatever was made known to them by "witnesses preordained by God,"[16] and also confirmed His command with this sanction: "He that believeth and is baptized shall be saved; but he that believeth not shall be condemned."[17] These two commands of Christ, which must be fulfilled, the one, namely, to teach, and the other to believe, cannot even be understood, unless the Church proposes a complete and easily understood teaching, and is immune when it thus teaches from all danger of erring. In this matter, those also turn aside from the right path, who think that the deposit of truth does indeed exist, but that it must be sought with such laborious trouble, and with such lengthy study and discussion, that a man's life would hardly suffice to find and take possession of it; as if the most merciful God had spoken through the prophets and His Only-begotten Son merely in order that a few, and those stricken in years, should learn what He had revealed through them, and not that He might inculcate a doctrine of faith and morals, by which man should be guided through the whole course of his moral life.

These pan-Christians who turn their minds to uniting the churches seem, indeed, to pursue the noblest of ideas in promoting charity among all Christians: nevertheless how does it happen that this charity tends to injure faith? Everyone knows that John himself, the Apostle of love, who seems to reveal in his Gospel the secrets of the Sacred Heart of Jesus, and who never ceased to impress on the memories of his followers the new commandment "Love one another," altogether forbade any intercourse with those who professed a mutilated and corrupt version of Christ's teaching: "If any man come to you and bring not this doctrine, receive him not into the house nor say to him: God speed you."[18] For which reason, since charity is based on a complete and sincere faith, the

15 *John* xvi, 13.
16 *Acts* x, 41.
17 *Mark* xvi, 16.
18 *II John* 10.

disciples of Christ must be united principally by the bond of one faith. Who then can conceive a Christian Federation, the members of which retain each his own opinions and private judgment, even in matters which concern the object of faith, even though they be repugnant to the opinions of the rest? And in what manner, We ask, can men who follow contrary opinions, belong to one and the same Federation of the faithful? For example, those who affirm, and those who deny that sacred Tradition is a true fount of divine Revelation; those who hold that an ecclesiastical hierarchy, made up of bishops, priests and ministers, has been divinely constituted, and those who assert that it has been brought in little by little in accordance with the conditions of the time; those who adore Christ really present in the Most Holy Eucharist through that marvellous conversion of the bread and wine, which is called transubstantiation, and those who affirm that Christ is present only by faith or by the signification and virtue of the Sacrament; those who in the Eucharist recognize the nature both of a sacrament and of a sacrifice, and those who say that it is nothing more than the memorial or commemoration of the Lord's Supper; those who believe it to be good and useful to invoke by prayer the Saints reigning with Christ, especially Mary the Mother of God, and to venerate their images, and those who urge that such a veneration is not to be made use of, for it is contrary to the honour due to Jesus Christ, "the one mediator of God and men."[19] How so great a variety of opinions can make the way clear to effect the unity of the Church We know not; that unity can only arise from one teaching authority, one law of belief and one faith of Christians. But We do know that from this it is an easy step to the neglect of religion or *indifferentism* and to modernism, as they call it. Those, who are unhappily infected with these errors, hold that dogmatic truth is not *absolute* but *relative*, that is, it agrees with the varying necessities of time and place and with the varying tendencies of the mind, since it is not contained in immutable revelation, but is capable of being accommodated to human life. Besides this, in connection with things which must be believed, it is nowise licit to use that distinction which some have seen fit to introduce between those articles of faith which are *fundamental* and those which are not fundamental, as they say, as if the former are to be accepted by all, while the latter may be left to the free assent of the faithful: for the supernatural virtue of faith has a formal cause, namely the authority of God revealing, and this is patient of no such distinction. For this reason it is that all who are truly Christ's believe, for example, the Conception of the Mother of God without stain of original sin with the same faith as they believe the mystery of the August Trinity, and the Incarnation of our Lord just as they do the infallible teaching authority of the Roman Pontiff, according to the sense in which it was defined by the Œcumenical Council of the Vatican. Are these truths not equally certain, or not equally to be believed, because the Church has solemnly sanctioned and defined them, some in one age and some in another, even in those times immediately before our own? Has not God revealed them all? For the teaching authority of the Church, which in the divine wisdom was constituted on earth in order that revealed doctrines might remain intact for ever, and that they might be brought with

19 Cf. *I Tim.* ii, 15.

ease and security to the knowledge of men, and which is daily exercised through the Roman Pontiff and the Bishops who are in communion with him, has also the office of defining, when it sees fit, any truth with solemn rites and decrees, whenever this is necessary either to oppose the errors or the attacks of heretics, or more clearly and in greater detail to stamp the minds of the faithful with the articles of sacred doctrine which have been explained. But in the use of this extraordinary teaching authority no newly invented matter is brought in, nor is anything new added to the number of those truths which are at least implicitly contained in the deposit of Revelation, divinely handed down to the Church: only those which are made clear which perhaps may still seem obscure to some, or that which some have previously called into question is declared to be of faith.

So, Venerable Brethren, it is clear why this Apostolic See has never allowed its subjects to take part in the assemblies of non-Catholics: for the union of Christians can only be promoted by promoting the return to the one true Church of Christ of those who are separated from it, for in the past they have unhappily left it. To the one true Church of Christ, we say, which is visible to all, and which is to remain, according to the will of its Author, exactly the same as He instituted it. During the lapse of centuries, the mystical Spouse of Christ has never been contaminated, nor can she ever in the future be contaminated, as Cyprian bears witness: "The Bride of Christ cannot be made false to her Spouse: she is incorrupt and modest. She knows but one dwelling, she guards the sanctity of the nuptial chamber chastely and modestly."[20] The same holy Martyr with good reason marvelled exceedingly that anyone could believe that "this unity in the Church which arises from a divine foundation, and which is knit together by heavenly sacraments, could be rent and torn asunder by the force of contrary wills."[21] For since the mystical body of Christ, in the same manner as His physical body, is one,[22] compacted and fitly joined together,[23] it were foolish and out of place to say that the mystical body is made up of members which are disunited and scattered abroad: whosoever therefore is not united with the body is no member of it, neither is he in communion with Christ its head.[24]

Furthermore, in this one Church of Christ no man can be or remain who does not accept, recognize and obey the authority and supremacy of Peter and his legitimate successors. Did not the ancestors of those who are now entangled in the errors of Photius and the reformers, obey the Bishop of Rome, the chief shepherd of souls? Alas their children left the home of their fathers, but it did not fall to the ground and perish for ever, for it was supported by God. Let them therefore return to their common Father, who, forgetting the insults previously heaped on the Apostolic See, will receive them in the most loving fashion. For if, as they continually state, they long to be united with Us and ours, why do they not hasten to enter the Church, "the Mother and the mistress of all Christ's faithful"?[25] Let them hear Lactantius crying out: "The Catholic

20 *De Cath. Ecclesiae unitate*, 6.
21 *Ibid.*
22 *I Cor.* xii, 12.
23 *Eph.* lv, 16.
24 Cf. *Eph.* v, 30; l, 22.
25 *Conc. Lateran* IV, c. 5.

Church is alone in keeping the true worship. This is the fount of truth, this the house of Faith, this the temple of God: If any man enter not here, or if any man go forth from it, he is a stranger to the hope of life and salvation. Let none delude himself with obstinate wrangling. For life and salvation are here concerned, which will be lost and entirely destroyed, unless their interests are carefully and assiduously kept in mind."[26]

Let, therefore the separated children draw nigh to the Apostolic See, set up in the City which Peter and Paul, the Princes of the Apostles, consecrated by their blood; to that See, We repeat, which is "the root and womb whence the Church of God springs,"[27] not with the intention and the hope that "the Church of the living God, the pillar and ground of the truth"[28] will cast aside the integrity of the faith and tolerate their errors, but, on the contrary, that they themselves submit to its teaching and government. Would that it were Our happy lot to do that which so many of Our predecessors could not, to embrace with fatherly affection those children, whose unhappy separation from Us We now bewail. Would that God Our Saviour, "Who will have all men to be saved and to come to the knowledge of the truth,"[29] would hear Us when We humbly beg that He would deign to recall all who stray to the unity of the Church! In this most important undertaking We ask and wish that others should ask the prayers of Blessed Mary the Virgin, Mother of divine grace, victorious over all heresies and Help of Christians, that She may implore for Us the speedy coming of the much hoped-for day, when all men shall hear the voice of Her divine Son, and shall be "careful to keep the unity of the Spirit in the bond of peace."[30]

You, Venerable Brethren, understand how much this question is in Our mind, and We desire that Our children should also know, not only those who belong to the Catholic community, but also those who are separated from Us: if these latter humbly beg light from heaven, there is no doubt but that they will recognize the one true Church of Jesus Christ and will, at last, enter it, being united with us in perfect charity. While awaiting this event, and as a pledge of Our paternal good will, We impart most lovingly to you, Venerable Brethren, and to your clergy and people, the apostolic benediction.

Given at Rome, at Saint Peter's, on the 6th day of January, on the Feast of the Epiphany of Jesus Christ, our Lord, in the year 1928, and the sixth year of Our Pontificate.

PIUS PP. XI.

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26 *Divin. Instit.* lv, 30. 11-12.
27 *S. Cypr.* Ep. 48; *ad Cornelium*, 3.
28 *I Tim.* iii, 15.
29 *I Tim.* ii, 4.
30 *Eph.* iv, 3.

BOOK REVIEWS

Five Centuries of Religion. By G. G. Coulton. **Volume II, The Friars and the Dead Weight of Tradition, 1200-1400 A. D.** Cambridge, at the University Press. 1927. 8vo., Pp. xxx + 703.

The first volume of this elaborate arraignment of medieval monasticism appeared five years ago. Two other volumes, we were then told, were almost ready for the press and could, if necessary, be printed as they stood. The delay in printing the second volume and the necessity of expanding the work into four instead of three volumes were made necessary, the author informs us, by the disapprobation of critics with the first volume which caused him "to proceed with greater caution, and, with the further result that what was originally planned as a single volume has swollen to two." Referring to the critics the author complacently assumes that because their dissent is directed against the testimony on which his conclusions might naturally be supposed to rest, "he (the author) is naturally encouraged to hope that he has told something like the truth on those more important matters which the critic leaves alone." It is not easy to determine what Professor Coulton means by more important matters, if evidence is merely secondary. He is equally enigmatical in his general judgments. In the Preface to this volume he says: "With the individual men and women who peopled the monasteries I have as much sympathy, perhaps, as those who dissent most widely from my conclusions. For the institution, again, I have the respect which is due to all great achievements of the past." Without professing to understand how much sympathy with monks and nuns those have who dissent most widely from Professor Coulton or how much respect is due to great institutions of the past, one must either commend the broad charity or question the judgment of anybody, who, having written or assented to the sweeping condemnation of monks and monasticism contained in this volume, can still feel either sympathy or respect. It is true that, as St. Bernard was held up to honor and veneration in the first volume, St. Francis is singled out for praise in this, but the praise which is lavished on him only serves to accentuate the unworthy lives of the friars and the

failure of Franciscanism. The failure of the Franciscan movement does not deter the author from asserting that: "the mere survival of the original mustard-seed of Franciscanism through seven centuries, even if no grain of it had ever germinated in the interval, might conceivably some day become a decisive factor in human civilization. It might, in such favourable soil as the present, stimulate a sudden growth such as mankind might otherwise have awaited in vain for many centuries." It is confusion of thought such as statements like this reveal that make it difficult to follow Professor Coulton's underlying aims. Franciscanism was, if anything, essentially medieval. Professor Coulton would be the last to suggest a revival of even the least of medieval institutions, for as he tells us in another connection "the religion of the middle ages is a bygone religion; only amid the backwaters of the modern world can it be found without essential change" (p. 421). How can the present offer favorable soil for something which is characteristically a product of a bygone religion?

It might perhaps, be an injustice to the author to anticipate his general conclusions, or to assume that his succeeding volumes will present monasticism in such repulsive colors as the present volume; it may be that, as regards the followers of St. Francis and St. Dominic, he is merely filling in the background to relieve it by some lighter colors later on, but, on the basis of what has already been presented, a question will naturally arise, namely, how did an institution, so productive of evil, and without justification in religious, political or economic life attain such widespread influence and perpetuate itself for such a long period? Professor Coulton challenges his critics to offer evidence which will break down the force of his contentions: he quotes Catholic authors, among them Lingard, to support his conclusions, and he heaps up testimony official and unofficial from contemporary sources to sustain his general arraignment of medieval monastic life. He has not yet exhausted his assault, and it may be an injustice to attempt to evaluate his indictment until his case is complete, but one observation may not be inapropos. Monasticism did not just happen. It had roots in the past. It represents a tendency in human nature, which at certain times takes the form of Benedictinism or Franciscanism or Jesuitism. That

it should assume different forms is natural enough, but it cannot all be bad. One would like to know that the causes were, which led to what Professor Coulton calls the Friars' Decay. It is not enough to point out the remedies which were proposed in the reports of official visitors to monasteries. Remedies do not suggest the causes of ailments, nor does it help to be told of the friars that, "no medieval satirist, perhaps no modern protestant, has painted their decay in darker colors than their own best men. The Italian Bonaventura, the Spaniard Alvarez Pelayo, the Fleming John Brugman when they write about their fellow-Franciscans, anticipate or confirm all that is told us by Chaucer and Langland and the Lollards" (p. 179). What is most to be desired is that some attempt should have been made to give a reason for the failure of monasticism to which Professor Coulton directs attention. Heaping up hostile testimony to this failure is not sufficient nor is it convincing. The monastic institute was subject to many influences and it developed mainly under external pressure. Harnack, whose pamphlet is listed in the first volume, and Zoeckler, whose book is mentioned neither in the first nor the second, have theories both as to the fortunes and failures of monasticism, which, even though unsatisfactory, give point to what they say. It proves nothing to assert that the "orders are gradually subjected to more searching criticism from an increasingly prosperous and intelligent public, whose verdict is almost uniformly unfavourable." What we want to know is why such a verdict is unfavorable, and why the results of Professor Coulton's researches yield none but negative results. Is it not possible that the irregularities in monasticism were traceable to external circumstances? Otherwise how explain the occasional expressions of approval to which Professor Coulton commits himself? The huge mass of testimony which is brought together here and the imposing list of hostile witnesses is a serious arraignment of one of the most widespread institutions of the middle ages, but in the fact of this testimony and in the outspoken utterances of the witnesses is there not a proof of the real regard in which the monks and friars were held, and an evidence that those who erred were held in reprobation because they failed to measure up to recognized standards?

The work is not only an assault on medieval monasticism but on the entire institutional life of the middle ages. A counter plea to such an elaborate charge is not easily drawn up. The abnormal is what usually attracts attention: the normal passes without comment. The language of the reformer is always open to discount, whether in the middle ages or at any time, but the sources, which were open to Professor Coulton, are available to the members of the orders whom he has assailed, and another Montalambert may arise who will submit these sources to analysis in the defense of the Monks of the West. In any case much good may result from this colossal effort to show forth the dark side of the monastic life, and when the conclusions of Professor Coulton's work have been passed through the furnace of criticism what may remain will afford danger signals for those who still believe the world needs the monastic spirit and the monastic life. Professor Coulton has had access to sources which are closed to most workers in the field, at least on this side of the Atlantic, but if his evasiveness, in gratuitously accusing of ignorance critics who dissented with some of the statements in his first volume, is to be taken as evidence of his method, his conclusions must lose much of their value.

To summarize the number and nature of the attacks made in this volume on monks, friars and nuns, on convents and monasteries, on monastic aims and the monastic life would be an impossible task. We are told that the "religious" men and women, enjoying a favored economic status, possessing enormous estates, and exempt from the legal liabilities attaching to property were guilty of all the crimes that capital can perpetrate against the weak and unprotected: that, leading lives devoted to religion, they were a scandal to the faithful, that, devoting themselves to ascetical practices, they made a mockery of their rule and violated, not only the prescriptions of the orders to which they belonged, but were notorious as offenders against the moral code. There is no crime in the calendar which is not laid at their doors: no evil to which the most debased become addicted which was not to be found within monastic walls. It is too soon to undertake a systematic and detailed examination of the truth of the charges Professor Coulton brings against medieval monks and medieval monasticism. His day in court is not yet over.

Evidence in rebuttal is not in order until the prosecuting attorney has finished his charge.

PATRICK J. HEALY.

The See of Peter. By J. T. Shotwell and L. R. Loomis. New York: Columbia University Press. 1927. Pp. xviii + 737.

This scholarly book presents a collection of English translations of the documents pertaining to the early Papacy, accompanied by exhaustive historical introductions and bibliographical references. No such collection had previously been made in English of the texts on which the historical, as distinguished from the theological, claims of the Papacy rest. There is only one collection of the texts in the original Greek and Latin, the *Quellen zur Geschichte des Papsttums* by the German scholar Mirbt. The fact that this source-book has gone through several editions shows how useful such a volume is for students of Church history. Mirbt's book also proves how deep is the interest of Protestants in these documents, for the author is a Protestant and his work was brought out by a Protestant publisher.

The Mirbt collection is intended to serve as a source-book for the historical student and, therefore, offers only the most important of the original texts. The interpretation and evaluation of these bare extracts is left to the student. The book under review has a wider scope. It forms part of a series of the *Records of Civilization* and appeals to cultured readers in general and not merely to a small circle of scholars.

The purpose of the present book is to furnish a translation of the documents of the first four centuries (1-380 A. D.). "Up to the reign of Constantine, these documents are so sparse and fragmentary and, when all is said, leave such wide intervals wholly untouched and blank that it has seemed desirable to give everything that could be found. From the time of Constantine onward, the records are considerably fuller," so that "for our last fifty years it becomes necessary to make some selection, omitting only what is repetitious or less significant" (pp. 221-222).

The translations represent the most important part of the book. The authors are so fair that we might pronounce this phase of their work to be almost without a flaw. We all know

that a text admits of many *nuances* in a translation, so that different translators may render the same text in contradictory ways. Professors Shotwell and Loomis strove hard to be fair to Catholics, and in only a few cases must we take exception to their translations. Whenever their translations from the Fathers do not agree with the Catholic viewpoint, they are so fair as to quote in the notes the translations of Catholic scholars (for instance, on pp. 72, 111, 240, 250, 259, 267, 287, 325, 379, 470, 471, 485).

The texts used for the translations are selected from the best critical editions. In case no modern edition was to be had the authors had to fall back on Migne's *Patrologia*. The reviewer did not discover a single case where he could have suggested the use of a better text.

The first problem confronting the historical scholar is to make sure of the genuineness of the documents. The authors believe that "so much has been done, partly by polemical writers, partly by scholars of the judicial temper that there seems little likelihood of serious challenge to the documents at present accepted as genuine; textual criticism has apparently almost completed its work" (pp. xix-xx) and, we might add, upon the whole, in favor of the Catholic position.

Yet the more difficult task, the interpretation of documents, still gives rise among scholars to divergent views. "To judge the original import of old documents, one must know the situations which led to their production, the character of their writers, the way they wished to be understood" and, we must add again, the way they were understood or misunderstood by succeeding generations; in short, "we have to know them in their setting at every stage of their history" (pp. xx-xxi). But these conditions cannot all be verified in every case. We encounter problems which historical science can never solve; hence the critic who keeps within the bounds of his science must at times confess, "*non liquet.*"

It is quite natural that in a question about the dawn of the Papacy no complete agreement is found among scholars. "The Catholic scholar," we read, "is sure to see more in the argument than the Protestant, because the one is predisposed to accept and the other to refuse" (p. xxiii). Yet there are certain points on

which all scholars are agreed, and the present book proves that modern Protestant scholarship has taken a long stride forward towards the Catholic position.

Faults there are in the book, but they are common to Protestant historians. In the historical introductions to the particular documents and in the notes appended to them, the authors state what they claim to be the findings of modern scholarship. It is in these sections that we come across statements, conclusions, and hypotheses which Catholic scholars cannot accept. Yet the opinions voiced by the authors are the opinions of their school and are well known to Catholic scholars. In many a case of difference of opinion the authors conclude the protracted argumentation with the statement that the Catholic viewpoint is not inherently impossible or unreasonable (see p. 49). At times the reader is warned that the authors do not intend to suggest inferences and that their conjectures and assumptions need not be accepted (pp. 18, 19, 44).

The bibliographical references give too much prominence to Protestant authors. Catholic works are not ignored, it is true, yet those advancing liberal views find mention more frequently.

In the first part of the book we find the New Testament texts quoted from the Douay Version (pp. 3-56). The authors accept these texts as genuine and state (p. 6, note) that "the variations in text from editions used by Protestants are not vital in the case of any citations in question. For the purpose of this history either the King James Version or the Revised Edition would yield practically the same result." In the introduction to these texts the authors state the results of "modern" Biblical criticism which cannot be accepted by any Catholic. These results are so well known that there is no necessity to repeat them here.

The authors are in sympathy with the claim that St. Peter went to Rome and founded the bishopric there (pp. 56-119). Yet they believe that this cannot be established conclusively from the New Testament (pp. 6, 56). "The tradition," however, "connecting Peter with Rome is one of the strongest in the Church" (p. 56), and "it seems unnecessary to deny him the title Bishop of Rome" (p. 60). "The tradition of Peter's sojourn in Rome appears to have arisen within thirty years, at the latest, after Peter's death, in the region where he died" (p. 63). "Many

Protestant scholars now concede that Peter preached and died at Rome, while they still doubt that he was the first Bishop and Founder of the Roman See" (p. 64, ff). "The first statement that Peter founded the Roman Church dates from 170 A. D." (p. 75). "In 252 Cyprian of Carthage speaks of the See of Rome as the See of Peter but not until 354 . . . do we find Peter definitely and positively styled the first Bishop of Rome." (pp. 61, 105, 379).

This may be the closest approach to the Catholic position that we may expect from a Protestant scholar. Yet the authors should keep in mind what they write on p. 49: "The first step in historical criticism is to recognize the inadequacy of one's sources." "In view of the fragmentary nature of the evidence on this question" (p. 56, note) and the undoubted fact that "the tendency to reject tradition went too far in the nineteenth century" (p. xxiii), the Petrine tradition commands greater respect from an historical scholar.

The Patristic texts concerning the Papacy of the early centuries are few in number. Devout imagination soon set to work around St. Peter's person and office and a strange mass of apocryphal works were spread far and wide. Some of them are distinctly heretical; others are historical romances which are unobjectionable from a doctrinal viewpoint. Critical scholarship has been at work during the last four centuries to sift truth from fiction. The section of our book which deals with this Apocryphal Tradition (pp. 120-207) is among the least objectionable of the whole work. In this field Catholic scholars agree on the whole with Protestant scholars. Yet as far as we can unearth the modicum of facts concealed beneath the fiction, we find that these apocryphal works support the Catholic Tradition: "the figure of Peter is grandiose and inspiring to the popular imagination and the gaps in the 'received' tradition were filled up" (p. 127). The authors point out that although the Fathers of the Church regarded this literature on the whole as dealing largely with fiction, they nevertheless drew upon if for material that was not contrary to Catholic tradition, as we see for instance in their references to the twenty-five year episcopate of St. Peter in Rome (pp. 60, 122, ff).

In concluding this section the authors treat of the mediæval relics shown in evidence of the apocryphal legends. They are sensible enough to ascribe the veneration of these relics to credulity and not to fraud. These relics "told the multitude in simple language wonderful things of Peter, the reported founder of the Roman See, and, more that the writings of a hundred scholars, instilled into their minds an awe and admiration for what he had accomplished and suffered" (p. 201).

"Having traced the growth of the tradition of Peter's presence at Rome and of his foundation of the Roman episcopate," the authors attempt in the second part (pp. 211-696) "a similar review of the history of the see itself during the three hundred years after Peter's death" (p. 211).

In the introductions to the various documents we come across a great number of statements which cannot stand in the face of well known facts. Certain aspects of a problem are unduly stressed to lend support to false views. There are numerous slips as to the external growth of the Church which we might pass over as harmless. There are, however, a number of other statements which are exasperating to the Catholic scholar. "Until the third century," the authors contend (p. 223), "one can hardly separate the policy and prestige of the Roman church from those of the bishopric," and the Pope accordingly, so we are to infer, was hardly more than any other Bishop. We read that "the . . . eastern bishops . . . , in the third century, firmly repudiated the claims of a Roman Bishop to ecclesiastical domination" (p. 217); that "the East was amazed at the claim of Stephen," the Roman Bishop (pp. 231-2); that the Popes Zephyrin and Callistus were Monarchians (pp. 260, 300, 304, 309); that Pope Liberius purchased his release by recantation (p. 226); that Pope Damasus "might have made himself a true shepherd for all the sheep, if he had been more far-sighted or more generous-hearted" and not "wasted his opportunity in tedious and irritating negotiations" (p. 227); that Victor "was the first man to be Pope in anything resembling the modern sense of the term and to regard his position as not only one of councillor but also of commander" (p. 274). Pope Victor seems to have denied any distinction in person between the Father and the Son (p. 278, note). "There was as yet no distinction [in Pope

Victor's time] between authority derived from one apostle or from another and Paul's name was still equal to Peter's" (p. 278). It would take too long to mention similar gross misstatements found scattered all over this section (on pp. 239, 243, 244, 256, 288, 299, 301, 311, 312, 316, 321, 323, 352, 354, 356, 386, 392, 395, 407, 426, 433, 443, 488, etc.).

We see from this that Catholic readers cannot accept all the statements and inferences of the authors. And still we believe that the authors tried to be as impartial as possible. When the authors part company with Catholics they do it with good grace. Their aim was not to write a polemical work straining every nerve to gain their point, but "to bring those early documents to the cold light of historical analysis" (p. xix). They weighed the evidence according to the strictest requirements of historical science and yet they could not get themselves to agree with Catholics. And the ultimate reason for their lack of agreement? The authors write significantly enough on p. xxiii: "In dealing with these claims we are passing along the border line between history and dogmatic theology." The reviewer believes that mere science cannot approach any closer to the border line of Catholic Faith than did Professors Shotwell and Loomis.

In a subject like the rise of the Papacy dogmatic exigencies frequently crowd out historical criticism. Since we have no written documents that the immediate successors of St. Peter made full use of their authority, Protestant historians draw the conclusion that the early Popes were not conscious of their power. But such a conclusion is too hasty. St. Peter was surely conscious of the power committed to him, and his successors knew the texts of the Gospel too well to lose sight of their evident import. If the authors had interpreted all their historical documents in the light of the New Testament texts, they would not have been so rash as to put forth their erroneous statements. As things are, the authors lost sight too often of the beacon lights set up for their guidance in the Gospels.

"It is quite possible, to be sure," the authors remark justly, "that much of what we accept as ancient history does rest upon false and wrong data" (p. xxii). Yet the Papacy does not rest its claims and great prerogatives solely on the few texts of Church history. The Petrine claims are not settled by historical

evidence primarily. They are warranted by the infallible Church. Even if all extra-biblical documents had perished, even if the New Testament had never been handed down, the Catholic of today would believe as did the Catholic of yesterday that the Pope is the vicar of Christ and the successor of St. Peter.

JOHN M. LENHART, O.M.CAP.

Irenikon: Rome et L'Orient au V. siècle: Appel de Flavien, Patriarche de Constantinople à S. Léon Pape (449 A. D.). Appel d'Eusèbe de Dorylée à S. Léon Pape. Par P. Debouxhtay. D'Amay s. Meuse (Belgium). 1927. Pp. 32 [II., 8].

We couple with Shotwell-Loomis' book the pamphet that deals with the same subject. In 448 the Synod of Constantinople under the presidency of the Patriarch Flavian condemned the heresy of Eutyches. The heretic did not submit. Through his influence at the court Eutyches prevailed upon Emperor Theodosius II to convoke a synod to rehabilitate him. This was done at the Synod of Ephesus in 449, known in Church history as the "Robber Council" (*Cath. Encycl.*, V, 495-6). This synod proclaimed the orthodoxy of Eutyches and condemned Flavian.

The Patriarch who was thus outraged published a protest in which he disproved the pretensions of the later-day Gallicans who contended that the Patriarch addressed himself to an oecumenical council and not to the Pope. Bishop Eusebius of Dorylaeum, who was likewise condemned by the "Robber Council," sent a similar protest to the Pope. Both appeals were discovered at Milan in 1874 by Dom Amelli, O.S.B., and published in 1882 *(S. Leone Magno e l'Oriente)* and republished in 1893 *(Spicilegium Cassinense)*. New editions of this document were brought out by Th. Mommsen *(Neues Archiv,* Hannover, 1886) and Lacey *(Collection S.P.C.K.*, vol. 70. London, 1903), while H. Grisar, S.J., reprinted Amelli's text *(Zeitschrift f. K. Th.*, 1883).

The present pamphlet gives a new and more critical edition of both appeals (pp. 6-11, 22-7) accompanied by French translations (pp. 12-6, 27-30) and explanatory notes (pp. 16-22, 30-32). The variant readings of the former editions are printed in the foot notes. This new edition is intended for practical purposes.

May it help to further the cause which is expressed in the general title given to the collection of which it forms a part—to be an "irenicon" that may unite in the peace of Christ the Greek and Roman Churches.

JOHN M. LENHART, O.M.CAP.

The History of European Liberalism. (Translated by R. G. Collingwood). By Guido di Ruggiero. Oxford University Press. 1927.

"Liberalism" needs to be rigidly defined, for there is hardly any term so loosely used whether by serious men or in current semi-scientific, half-philosophical, "popular" writing and public speaking. The purpose of this history of Liberalism in Europe can hardly be set forth better in brief compass than in the translator's preface. Lord Balfour, explaining his own use of the words "liberal" and "liberalism" in his introduction to the English translation of Treitschke's "Politics" is quoted as follows:

"They are used in their continental, not in their British, meaning. We borrowed them from abroad and have used them to designate a party, or rather, a particular section of a particular party. 'Liberalism' as used in its original home is a name for principles of constitutional liberty and representative government, which have long been the common portions of the world."

Liberalism as Guido di Ruggiero understands it "begins with the recognition that men, do what we will, are free; that a man's acts are his own, spring from his own personality, and can not be coerced. But this freedom is not possessed at birth; it is acquired by degrees as a man enters into self-conscious possession of his personality through a life of discipline and moral progress. The aim of Liberalism is to assist the individual to discipline himself and achieve his own moral progress; renouncing the two opposite errors of forcing upon him a development for which he is inwardly unprepared—and leaving him alone, depriving him of that aid to progress which a political system, wisely designed and wisely administered, can give. These principles lead in practice to a policy which regards the State, not as the vehicle of a superhuman wisdom or a superhuman power, but as

the organ by which a people expresses whatever of political ability it can find and breed and train within itself."

This is di Ruggiero's thesis, and "development of this conception in the political theory and practice of the past one hundred years and more, is the subject of this book."

This Liberalism of di Ruggiero "is not democracy, or the rule of the mere majority; nor is it authoritarianism, or the irresponsible rule of those who, for whatever reason, hold power at a given moment. It is something between the two. Democratic in its respect for human liberty, it is authoritarian in the importance it attaches to the necessity for skillful and practical government. But it is no mere compromise; it has its own principles, etc."

Liberalism, on the continent of Europe has attached to itself, particularly in the struggle with Reaction during the years 1815-1848, and 1870, a connotation of anti-religion which is not intrinsic to it. That connotation makes it important to clarify always the Catholic position concerning it, for there is quite truly and necessarily a Catholic position here. It is not so much, one may suggest, that there is a false and a true liberalism; one encounters more often a liberal and an illiberal interpretation of liberalism, and it may be maintained that the Catholic concept is the liberal one.

The author points out, more specially, in Sec. 3, p. 13 of his Introduction and in his Chapt. IV, Sec. 2, p. 399, "The Catholic Church and Liberty," that there is a sharp divergence of interpretation, the one based upon the Calvinistic concept of free will, the other upon the Catholic concept. Again it may be suggested that, according to di Ruggiero's presentation there is a sharp divergence of interpretation, but not an irreconcilable split.

Thus di Ruggiero, in referring to the spiritual forces of Liberalism in "the Protestant Reformation" says: ". . . the revolt against an age long religious tradition takes place . . . from this personality (of man) itself, . . . the love of what is good in itself drives the Protestants to their struggle against the Church and against her secular arm. Two spiritual forces inspire and support them: faith and examination. Faith is an unlimited trust in God; but it is at the same time trust in one's

self as a servant of the true God. Examination means the free study and interpretation of the Holy Scriptures; but it is at the same time the study and interpretation of one's own faculties and states of mind." . . . "While the Lutheran reform stopped halfway along the path of negation, and coming early under the control of political interests ended by consecrating a half-servile consciousness, Calvinism on the contrary, pushed its negation to the point at which the extreme subjection of the individual turned into the opposite. . . . While Lutheranism remained the national and state religion of numerous German principalities, Calvinism invaded the whole of Europe and imparted its energy to the majority of the dissident sects, Baptists, Quakers, Independents, Puritans. Even the great Methodist movement of the eighteenth century was a derivative of Calvinism. . . . The Calvinists except in their primitive home, Geneva, were everywhere in a minority, and this fact led them to defend their rights against an unfriendly majority with the greater zeal" (pp. 14, 15).

"A just view of the conflict between Church and State as materially promoting liberty was made more difficult to Liberalism (p. 399) both by an exaggerated confidence in the State, with which as its own offspring, Liberalism was more familiar, and also by an exaggerated distrust of the Church, whose activity was inspired by manifestly illiberal principles. . . . The first lesson of modern rationalism is that reason must begin by distrusting itself and subjecting its own work to critical examination. In the sphere of politics this means that the rationality of the Liberal State lies not in the unlimited extent of its powers, but in its ability to impose limits on itself, to prevent the rule of reason from degenerating into the rule of dogma, and to ensure that the triumph of truth shall not close the road to truth to the laborious process by which truth itself is reached. Liberals, and democrats still more, have sometimes forgotten this warning in their relations with the Church, which they have sometimes wished to deprive of the rights of free citizenship in the State, without realizing that by so doing they were degrading their Liberalism into a form of dogmatic absolutism."

"The Church, by its reactionary attitude, certainly gave occasion for this recrudescence of anti-clerical spirit, which has

deformed Liberal policy in many Catholic countries. The peculiar situation of the Holy See, during the period of Italian unification, aggravated the Catholic Church's opposition to Liberalism by the expressions of a merely transitory hostility and bitterness. But at bottom there is a permanent reason for this opposition, independent of all transitory facts, in the authoritarian structure of the Church, as claiming to be invested with power from above; in its doctrine of sin, redemption and grace, implying the fallen character of human liberty and reason, and the need of external aid; and in the function which it claims of a supernatural mediator between man and God: whereas Liberalism assumes that, without any intermediary and by his own unaided efforts, man is fully able to realize all the values of the spiritual life."

Here we have the matter of all recent discussion of State and Catholic Church in the United States; di Ruggiero sets it out very completely in these quotations, and in the act of formulating it, he answers it.

One is disappointed however, when the Latin mind falls short of that complete clarity which is generally conceded to be characteristic of it. There is certainly divergence between the Calvinistic and the Catholic concept of reason at the point where Calvinism sets up the human intellect as supreme.

"Faith and examination" are, according to this exposition, the inspiration and support of the Protestant Reformation, which in turn is the spiritual inspiration and support of Liberalism, moulding political concepts and ideals in its turn.

Free will stands out as one of the very foundation stones of the author's development of Liberalism in its spiritual aspect. So it does in Catholicism. Reason is the second corner stone in both; Faith is the third and personality, consciousness of self is the fourth, in both.

So far there is no incompatibility between such a concept of Liberalism and the authoritarian aspect of the Catholic Church. Viewed as di Ruggiero claims to view the matter there is no necessary incompatibility whatever between the two conceptions least of all in the field of politics, in the State.

In the field of religion on which he has no right to touch consistently with his own thesis, there can be no incompatibility;

only through denial of God could it arise or denial of Christian revelation, apostolic succession and continued divine guidance. Even there, in strict interpretation of his theory of Liberalism " . . . the Liberals who in the name of a higher conception of liberty would prevent the Church from professing this doctrine, and would subject it to State control, as is demanded by those who favour a new reform of Catholicism, degrade themselves by this very act to the level of the view they are opposing and convert their own Liberalism into an equally oppressive and intolerable dogma." " . . . In a free State, as the most intelligent Liberals have clearly recognized, the positive values of Christianity emerge of themselves; political society in its own interest makes manners become most humane, fosters benevolent and sociable feelings, and lightens the task of law and authority." Quoting the Encyclical *Libertas* of Leo XIII di Ruggiero says: "Here the possibility of a conflict between the Church and the powers of the State is clearly contemplated; but this conflict is no obstacle to liberty, but actually promotes it by facilitating the destruction of an authority which may oppress the conscience of the individual, and no one who reflects upon the harshly authoritarian character of modern democratic civilization can deny that the resistance of the Church to the 'tyranny' of the State, though far from Liberal in its inmost motive, may represent in point of fact a protection and defence of liberty."

WILLIAM FRANKLIN SANDS.

Reading for Honors at Swarthmore. By Robert C. Brooks. New York: Oxford University Press. 1927. Pp. 196.

Not the least of the benefits accruing from the mental testing movement has been the realization of the fact that our American system of education has been making little or no provision for the proper development of the gifted pupil. *Mutatis mutandis*, this deficiency was chargeable to all divisions of the school system from the grades to the college inclusive. Successive stages, it is true, showed the gradual elimination of the poorly endowed through a process of natural selection, and hence it might have been argued that institutions of higher education were providing ample opportunities for those who were intel-

lectually qualified to profit thereby; but at any stage the students of a given class were looked upon as approximating more or less uniformly a certain level of intellectual ability and scholastic attainment and the instruction was devised to meet the needs of the average student at that level. Any modification that was made was in favor of those who were below par; those above were supposed to take care of themselves.

The past few years have witnessed a change of attitude on this question and many school systems are endeavoring to provide better means for the cultivation of special talents which too often were allowed to stand still or even to deteriorate under the old order of things. Noteworthy among these experiments at the college level is the plan of reading for honors introduced at Swarthmore some six years ago, a detailed discussion of which is offered to the public in this little volume of Dr. Brooks.

After giving a brief account of the origins of the plan and of the methods of selecting students, the author outlines the content and purpose of the work and the methods of conducting it. Then follows a discussion of the objections brought against the system, particularly the charges of its being undemocratic and un-American. Student and faculty opinions are summarized and graduates of the honors courses are called upon to give in their own words their impressions of the benefits derived from the work. The cost of the plan is treated in some detail and the prospects for the immediate future are outlined. The volume concludes with an appendix in which are reproduced several specimens of the examinations that have been employed to test the attainments of honor students.

Doctor Brooks makes out a splendid case for the honors work. It is doubtful if anyone engaged in college teaching, particularly if he has to deal with large classes, can read this account without wishing that his own institution were in a position to follow in the footsteps of Swarthmore. The great drawback is, of course, the cost. The experiment at Swarthmore has been made possible by a generous subsidy from the General Education Board and a gift to the Library of the College from the Carnegie Foundation. The majority of colleges cannot hope for such assistance. Yet the opinion of the author, that "a large university with a great many courses which could be given up with

slight cost might be able to conduct honors work for ten per cent of its students with no increase in its budget for instruction," is worthy of consideration. It would seem to indicate that a beginning at least might be made by many of our institutions.

Of the many features of the honors work discussed by Doctor Brooks, two may be selected for special mention. One of these, the foreign language requirements, will be of particular interest to professors engaged in conducting graduate work who will find in the discussion of the practice at Swarthmore many excellent suggestions for dealing with this ever-recurring problem. The second point to be noted is the effect of the honors work on the regular undergraduate students. It is encouraging to learn that this has been wholly satisfactory. Not only has the honors work necessitated a recasting of the courses of instruction in the Freshman and Sophomore years and a change in the methods of teaching, but the attitude of the non-honors students themselves towards their studies has been considerably improved. Were no other objectives attained, the experiment would be justified by these results alone.

A footnote which is not directly explanatory of the text usually does not deserve mention in a review but there is one in the present volume (p. 34) which should not be passed over without comment. Speaking of the Freshman Exploration Course which Swarthmore has adopted in preference to the usual Orientation Course, the author says: "It provides that lists of readings shall be drawn up by each department designed to inform Freshmen what are the general scope and purposes of the various subjects of study. Books of a simple and eminently readable character only are to be listed, e. g. Will Durant, *The Story of Philosophy;* James Harvey Robinson, *The Mind in the Making;* George A. Dorsey, *Why We Behave Like Human Beings;* J. A. Thomson, *Outline of Science;* H. G. Wells, *The Outline of History.*"

One is led to inquire what criteria the Professors at Swarthmore used in the selection of this list. Could their choice have been guided by popular taste so that they prescribed only the "best sellers"? If so, they should have included Sinclair Lewis among the authors to be read. Were their intention to *misinform* Freshmen they could not have made a better selection than

they did; for not one of the above-named works is what it professes to be. Of Dorsey's work, Dr. George Norlin truly says: "There is nothing in the book which fits the title. It ought to be called 'Why We Behave like Animals'—a fact which may in part explain its popularity." The *Story of Philosophy* may be "eminently readable"; it is "simple" enough, goodness knows; in fact it may be said to be quite naive; but such qualities in a work are no guarantee of accuracy. They merely save the bother of thinking. *The Mind in the Making* reminds one of Mencken; its main argument seems to be that all moderns are fools except the Bolsheviki and a few physical scientists. The *Outline of Science* may be popular, as it was intended to be; but it suffers from the defect of most popularizations; it is not always scientific. Extravagant generalizations and unsupported inductions are not characteristic of the scientific attitude. It is doubtful if any genuine scientist would recommend this work to his students for its scientific value. A similar criticism might be made of *The Outline of History*. Mr. Wells is a clever novelist; his style is charming and his power of invention admirable; but he is not a historian.

It is to be hoped that the Swarthmore Freshman is furnished with something more substantial in the line of mental food than is represented by this hodge-podge of popular "stuff." Above all, let us hope that those who read for honors are not treated to a similar diet.

EDWARD B. JORDAN.

India's Past. By A. A. Macdonell. A Survey of Her Literatures, Religious, Languages and Antiquities. Oxford: Clarendon Press. 1927. Pp. 293 + XII.

Professor Macdonell, the writer of the present volume, is already well known to the scholarly world as the author of the only comprehensive and adequate survey of Sanskrit literature published in English: A History of Sanskrit Literature, Oxford, 1900.

The present volume aims to summarize India's intellectual history. It sets forth in nine chapters the mental development of the most easterly branch of Aryan civilization since it entered India by land till it came in contact by sea with the most westerly branch of the same civilization after a separation of at least

3,000 years. "The four centuries that have since elapsed (1498 to 1926) are here touched upon only as showing the most recent distribution of the Indian vernaculars and rise of their literatures, as well as the process by which the development of the purely indigenous period gradually became known to the newcomers from the west."

The actual ground covered by this work is as follows: The introductory chapter describes the physical aspects of India and their resulting effect on migrations of population into this area. The next chapter tells of the language, the literature, and the religion of the earliest period of the Aryans in India. Then follows an account of the later Vedic period and the introduction of writing. The fourth chapter describes the early post-Vedic age, including the rise of Jainism and Buddhism as well as their art. The next chapter deals with the epic and classical literature of India. The sixth chapter is concerned with Indian stories, fairy tales, and fables, together with their important place in world literature. The seventh chapter treats of the various aspects of technical literature such as grammar, lexicography philosophy, law, practical arts, medicine, astronomy, and mathematics. The next chapter embraces the vernacular languages of India and their literatures. The final chapter shows how Europeans became acquainted with India's past by a study of her early literature, her inscriptions, her archaeology, and her courage, pointing out the most efficient means extracting from these sources further facts relating to the past. Some account is taken also of the labours of those scholars through whom India's past history has been recovered.

As a whole this book may be called an introduction to the civilization of ancient and modern India, with considerably more emphasis on the ancient period. As such it is to be recommended whole-heartedly to the general reader.

ROY J. DEFERRARI.

Stephen Gardiner and the Tudor Reaction. By James Arthur Muller. New York: The MacMillan Co. 1926. Pp. xvi + 429.

Another hero of the English religious revolution has found a competent biographer on this side of the Atlantic. Little more

than a year ago Conyers Reed produced his monumental biography of Sir Francis Walsingham. The late George Burton Adams did excellent work in the constitutional field. Professor Cheyney, of the University of Pennsylvania, has been, and is still doing remarkable work in the field of English expansion. English history seems, therefore, to be as much in the fairway of thorough development in America as it is in England. Dr. Muller's teacher was Paul Van Dyke, of Princeton, and his work is worthy of that scholar. It is chatty, yet scholarly. Gardiner's character as well as his career are well studied, though at times a bit dryly presented. He seems to have been a Tudor prototype of but too many present day American judges and lawyers, who appear to be unable to see anything but the law in any matter. He was quite clearly less interested in the justice of a cause than in its legality, and his portrait at Trinity Hall betrays his legal mind, thinks Dr. Muller. Without doubt this characteristic of the man stands out most prominently in his attitude on the question of Henry VIII's divorce from Catherine of Aragon. Even questions involving doctrines of the Church, before as well as after the break from Rome, were of greater interest to him for the law connected with them than for any other consideration. Dr. Muller does not think that the doctrinal aspects of the English Reformation ever had very great attraction for Gardiner. Diplomacy also colored Gardiner's career. He was sent on more than one important mission. He worried Pope Clement into letting Wolsey and Campeggio decide the matter of the king's divorce in England. Always did he acquit himself with marvelous astuteness. Gardiner's diplomacy, however, seems not to have been confined to the international field. He knew well how to improve opportunities for himself; indeed, Dr. Muller feels that Gardiner foresaw that Wolsey was bound to fall in consequence of the divorce and that he, therefore, made his berth in the ship of state secure by ingratiating himself with the King and Anne Boleyn. Yet Gardiner could oppose the king; his opposing the king in the matter of reducing the rights of Convocation may have cost him appointment to the see of Canterbury. Cranmer proved far more pliable than the legalistic bishop of Winchester, "Wily Winchester," as some of his contemporaries called him. Cranmer's appointment to Canterbury

long nettled Gardiner. Catholics who are used to the popular treatments of the history of this period may not agree with Dr. Muller in perceiving strong and plentiful evidence of anti-clericalism in the English religious revolution and will not attach so much importance to the diplomatic elements on the papal *non possumus*. Perhaps they will also object to the lenient, perhaps too lenient, treatment which the biographer accords his subject in the final, summary chapter. Allowances, however must in charity be made for the policies and conduct of men in so tumultuous a period as that in which Gardiner lived.

FRANCIS J. TSCHAN.

The Language and Style of the Letters of St. Basil. By Sister Agnes Clare Way, M.A. The Catholic University of America. Washington. 1927.

We should have liked Sister Agnes Way to have summed up the results of her laborious dissection of St. Basil's letters in a brilliant literary essay, which should show the qualities of the writer's style, the general trend and texture of his thoughts, the friends and society in which he moved. And the interest of such an essay would be doubly enhanced if it pointed out the differences that existed between St. Basil and other famous letter writers of the time, namely St. Gregory Nazianzen, St. Jerome and St. Augustine. In the elaboration of such an essay a useful book to consult would have been *Guignet's Gregoire de Nazianze Orateur et Epistolier*, which, as far as we remember, Sister Agnes does not mention.

The first section of the author's volume deals with syntax and extends to forty-two pages. Therein she examines the ordering and arrangement of the saint's sentences, and shows how he deviates from classical usage. The second section (pp. 43-175) deals with his vocabulary. This part is really a marvel of patient research and meticulous weighing and comparison. We venture to predict that many "popular" professors and lecturers endowed with a talent for assimilation—and dissimilation too—will utilise this thorough and painstaking investigation with little or no acknowledgment. The present reviewer feels that he cannot show his appreciation of this part better

than by remarking a few small blemishes, which, as anyone would expect, have crept into these interminable lists of words. Page 59: ἐκκακέω referred to Polybius and Origen is a New Testament word dear to St. Paul and St. Luke. Page 78: χριστιανός referred to Ignatius and Clement is likewise a New Testament word. (Acts xi 26: i, Peter iv 16). Page 105: "φιλάνθρωπος loving "One (God)" seems to be a slip for φιλόθεος. φιλάνθρωπος with its derivatives always signifies love towards or interest in men. Page 163: Δεσπότης which applied once or twice to laymen by Basil was the usual title given to bishops in his time.

List 6, pp. 144 seqq. consists mainly of expressions taken from the Bible, or variations and combinations of biblical terms. They are not proper and individual to the saint. Would it not then have been desirable to show their exact *provenance?* These remarks are made in no carping spirit; on the contrary, their comparative insignificance shows the excellence of the work, in which such small blemishes occur.

In the concluding pages of her thesis Sister Agnes shows how well equipped the saint was in the literary devices and rhetorical flourishes of his day. More than 400 examples of epanaphora are found in his letters. And no less than 600 of paronomasia; while instances of alliteration and assonance are by no means uncommon. As we hinted already Sister Agnes has furnished a mine, where future students will quarry copiously.

WILLIAM P. H. KITCHIN.

Sinai und Rom. By Georg Hofmann, S.J. Pont. Institutum Orientalium Studiorum, Roma.

This monograph of sixty pages forms the third fascicle of vol. IX of "Orientalia Christiana." The author has collected all documents of an official nature on the relations between the Holy See and the Archbishop of Sinai. From these documents it appears that the great monastery and the territory under its jurisdiction remained in communion with Rome until the beginning of the XVIIth century. The documents are arranged chronologically and are given in full. The work has been done

very carefully and we recommend the study of Father Hofmann to our readers. A reliable and complete Ecclesiastical History of the Sinai Peninsula is still to be written; we know that Christianity flourished during Byzantine times. Churches existed in every settlement and their ruins are still to be seen; occasionally these churches were of very large proportions as at Sbeida, for instance. What records lie buried under these ruins of the Arabic invasion we cannot say; in this age of excavations, would it not be worth some sacrifice to search some of these Christian settlements for the information which they might contain?

R. BUTIN.

Grundriss der Antiken Zeitrechnung (Handbuch der Altertumswissenschaft, Erste Abteilung Siebenter Teil). By Wilhelm Kubitschek. Munich: 1928. Pp. VIII + 241.

This work is a very valuable and timely addition to the great series of which it forms a part. After the death of George Unger in 1906, who had brought out the second and last edition of his *Zeitrechnung der Griechen and Römer* in the Müller Handbuch as far back as 1892, the need of a revised edition of his work was seriously felt, and Professor Kubitschek was asked to make the revision. Fortunately it was delayed. During the past twenty years great strides have been made in the study of ancient chronology, especially in the Egyptian and Babylonian fields. Furthermore through the pursuit of this and other studies in the history of Greece, Egypt, and Oriental lands, scholars have come to realize more and more clearly the definite connection of Greek civilization with the older and contemporary civilizations about it. All this, naturally, has altered our point of view. Hence instead of a mere revision of Unger we have before us an entirely new work at once more elaborate in its treatment and wider in its scope.

In the brief space of a notice it would be impossible to discuss in detail the closely packed array of important information contained in the volume. Therefore I shall confine myself to a summary of the book's contents and to a few general remarks.

Professor Kubitschek treats his subject under sixty-two divisions. These divisions vary in length from a paragraph or

two to a chapter, according to the topic treated. The arrangement is a happy one as it brings out in a striking way all the essential points. He begins with a general consideration of space and time and with a brief history of the science of ancient chronology (Nos. 1-4). Next he points out the difficulty of determining ancient dates accurately and discusses our own method of dating (Nos. 5-6). Then, after indicating the prime importance of astronomy in our subject, he passes to a treatment of ancient weeks and their origins (Nos. 7-9). Next he takes up the subject of ancient dates and eras (Nos. 10-28). All the eras of antiquity, even the relatively insignificant eras of special provinces, are treated. In No. 10, he calls attention to the important fact that the employment of the era comes comparatively late in ancient chronology. In No. 29 the dating of festivals, especially the Olympiads, is discussed. No. 30 contains an account of the origin and employment of the civil year. Nos. 31-36 take up Caesar's reform of the calendar, the Gregorian year, the calculation of Easter, the Italian peasant calendar, and chronology among the Jews. The Roman method of dating by Kalends, Ides, and Nones, is discussed in No. 37. The next division (38) contains an account of the peculiar calendar of Coligny. In Nos. 39-40 we have a treatment of the origin of the month and its employment as a chronological unit. No. 41 discusses the origin of the business year of 360 days. No. 42 contains a discussion of octaeteris and a criticism of the evidence furnished by the ancient astronomer Geminus. Nos. 43-46 treat of the dating of the days of the month at Athens and in other Greek cities. We now pass to the highly interesting subject of clocks (47-61). All manner of ancient devices for measuring time, from sun-dials to alarm clocks are described. This part of the subject is naturally connected with the division of the day and night into periods. This division is discussed in Nos. 48-51. In No. 61 we have an all too brief account of clocks at the close of antiquity and in medieval times. No. 62 contains an elaborate table which affords a detailed comparison of the Egyptian wandering years, the years of the Olympiads, the Varronian years *ab urbe condita*, and the years of the Seleucid era, with the Julian years before and after the birth of Christ. In addition to this, there is a table of indictions with the Byzantine new year

(p. 107), a table of the Julian calendar with a seven-day week (p. 114), and a table illustrating the working of the Gregorian calendar (p. 115). Throughout the work there are also a number of smaller tables and diagrams.

As the book was delayed in going through the press, Professor Kubitschek has added five and a half closely printed pages of *Nachträge* (pp. 227-232), thus incorporating the contributions made to his science up to the autumn of 1927. The book, like all the volumes in the *Handbuch der Altertumswissenschaft*, is furnished with an excellent index and is splendidly printed.

It is hardly necessary to comment upon the value and importance of this work. Within the brief space of 241 pages, Professor Kubitschek has packed all the essential scientific information which we possess to date on the subject. While the book covers the whole field of ancient chronology, the chief emphasis, naturally, is placed on the systems of reckoning time employed by the Greeks and Romans. Hence the book is particularly a most welcome help and guide to all students who are seriously concerned with the study of Greek and Roman history.

MARTIN R. P. MCGUIRE.

The Life and Letters of Bishop McQuaid. Prefaced with the History of Catholic Rochester before his Episcopate. By Frederick Zwierlein, D.Sc. M.H. (Louvain), Author of "Religion in New Netherland." Vol. I, 1925; Vol. II, 1926. Rome, Desclee & Compagni; Louvain, Librairie Universitaire.

A great deal of the Church history of the United States is associated with the name of the first Bishop of Rochester, the valiant Bernard McQuaid. The diocese of Rochester will, we think, never lose the imprint of his powerful character. The fundamental questions of the instruction of the child and the training of the priest have been solved by him to the great benefit of all the souls which God's Providence entrusted to his care. The keen eye of this guardian of the flock detected the dangers lurking in seemingly innocent movements and he pointed them out clearly, bravely and unequivocally in his pastorals and regulations.

Dr. Zwierlein's work is expected to be completed in three volumes, two of which have already appeared. The author informs us that there had been, during the lifetime of Bishop McQuaid, a plan to publish a history of the Catholic Church in Rochester from its first beginnings. This plan did not mature. Hence it is that the author devotes more than four-fifths of Vol. I to this task. Quoting at great length from original sources he describes with much detail the development of Catholic life and ecclesiastical institutions down to the coming of the first bishop. It might seem too lengthy as a part of a biography. But in it we possess a real history of that part of God's vineyard. And when we come to peruse the chapters which deal with the life of the maker of Rochester's later Church history, and learn of his successes and difficulties, we feel that it would have been a mistake to omit anything of the long first section. It certainly forms a very complete background for the figure of the man who is to appear on the scene.

The author takes us back to the time when, in 1803, Major Charles Carroll, a Catholic cousin of Charles Carroll of Carrollton, with two other men purchased "The Hundred-acre Tract" within the present city of Rochester. The Catholics who gradually settled in and around the village of Rochester were at first taken care of from New York, and afterwards from Albany. The first Catholic services were held in the court house. In 1822 appears the first mention of a resident pastor of Rochester, the Reverend Patrick Kelly, whose parish embraced the territory of the present dioceses of Buffalo and Rochester. The first Catholic church was built the following year. The Catholic population seems to have increased proportionately with the non-Catholics. Peace and harmony between Catholics and Protestants were several times rudely disturbed by vicious attacks upon Catholic doctrines and customs. The lecturing ex-priest, too, was not wanting in those early days. Like many, another Catholic community, Rochester had to pass through the period of sporadic trustee troubles. Yet all in all Catholic life flourished. The number of churches increased. Religious communities settled in the city and opened their institutions of education and charity. When the Germans became numerous enough to open their own churches, the parochial school system

saw its vigorous beginnings. The Civil War witnessed a great activity both in heroic charity towards the wounded soldiers, and in successful recruiting for the army, especially the Irish Legion.

The reader of this extensive section has the impression that the author intended to utilize literally every bit of source material detected by laborious searches in archives, newspaper and private letter files, and in pamphlets and books treating of any of the countless features of a growing community. He gives a vivid picture of the life of Catholic Rochester during the half-century which preceded the coming of Bishop McQuaid. If in some places he does not succeed in pointing out the connection between the innumerable items with greater clarity, this does not interfere with the general impression of the picture drawn by him, and we can both explain it and gladly pardon him. It seems to us that the lucidity of his representation increases as he proceeds to the real subject of his work, the life of Bishop McQuaid.

It is a touching fact that this great man started his life practically as a helpless waif, and received his early education in an orphan asylum. During his whole life he gratefully blessed those who had been kind to him in his childhood days and helped him through his studies until he ascended the altar. In the very first years of his priesthood, he opened a Catholic school in connection with his church and "taught himself, to start it, for six months"—a presage of his later work as champion of Catholic schools.

The position of Vicar General of the diocese of Newark had prepared Fr. McQuaid for the great office to which he was destined as the first hishop and organizer of the diocese of Rochester. We know he was a faithful shepherd of his flock, ever encouraging practices of sound piety, ever a promoter of Catholic education in city and country. He felt, however, that he was a member of the world-wide hierarchy of the Catholic Church, and of the body of American bishops. The relation between Rome and America was not satisfactory in some individual points. Bishop McQuaid blamed for this the American bishops who, he said, had failed to inform the Roman authorities frequently and clearly enough of actual conditions. The im-

provements which took place during his lifetime were brought about in large measure through his energetic co-operation. To demonstrate that the methods of judicial proceedings were unsatisfactory, he once sent to Rome the records of twenty judicial cases, which had caused annoyance and expense to various American bishops. Ecclesiastical life was in its beginning, and it is not surprising that the new bishop had troubles with a few recalcitrant priests. Bishop McQuaid took a very active part in the Third Plenary Council of Baltimore, and indirectly had his share in the speedy sanction of its decrees by the Roman authorities.

His greatest ambition was to have all Catholic children in Catholic schools. He believed in well trained teachers, too. When he saw that there was no suitable institution for the education of teachers in America, he did not hesitate to send several Sisters to Belgium for that purpose. "Without training," he would say, "teachers drop down incontinently into deep ruts. Seculars look out for this danger, why should not religious?"

Dr. Zwierlein is at great pains to set forth the bishop's attitude with regard to the troubles which in the seventies and eighties caused so much misery in Ireland. Being himself the child of an Irish immigrant, he made no secret of his sympathies for the dire needs of the Emerald Isle. In that forceful language of which he was capable he roundly condemned the outrages which the legislation of English landlords inflicted upon Ireland, and encouraged his people, most of whom were Irish immigrants, to give assistance by liberal contributions. At the same time he watched over the various movements, great and small, which sprang up in the New World for the support of Irish interests. The second volume of this history concludes with the settlement of the question concerning secret societies, and of the unalterable attitude Bishop McQuaid took in this matter.

X.

American Parties and Politics: History and Role of Political Parties in the United States. By Harold R. Bruce. New York: Henry Holt and Co. Pp. x + 412.

Teachers of this phase of American governmental science have another text at their disposal. The work is of the staid,

usual class-room type of book with all the merits of its kind, a mixture of the historical and analytical methods of treatment. The historical chapters are very good, but does the subject demand such lengthy treatment, a hundred pages? Opinions will differ. We are reminded of Merriam in its analytical parts—hereditary, sectional, racial, social, economic and religious factors, but these constitute the common denominator of all political discussion. Professor Bruce apparently does not think that the fact that women may vote will have a revolutionary effect on campaign procedure (p. 177). Will women affect the ethics of this procedure? or party organization? He infers that professional politicians will be endangered by the direct primary (p. 227). We are of the opinion that the "machine" politician has learned how to control the device quite adequately: witness—Vare in Philadelphia and Thompson in Chicago. Is not the difference between a "party boss" and a party "leader" as often the difference between a man whom we do not like and a man whom we do like as the difference which the author states,—"A leader occupies a position recognized by the laws of the land or by the rules of the party organization, whereas a boss creates his own position and determines its powers, objectives, and obligations" (p. 353)? May the Republican party be said to have been "founded" July 6, 1854, at Lansing, Michigan (p. 74)? The omission of Sait's recent work on parties from the bibliographies may possibly be due to the fact that it appeared about the time when Professor Bruce's book was going through the press. The treatment of proportional, or near-proportional representation seems altogether too meagre. Despite the questions which have occurred to us and which we have stated we do consider the book very teachable.

New Governments of Eastern Europe. By Malbone W. Graham, Jr. **American Political Science Series** (ed. Edward S. Corwin). New York: Henry Holt and Co. Pp. xii + 826.

What Professor Graham did for Central Europe a few years ago he now does for Eastern Europe, a field with which so few of us can be familiar that we are highly in the author's debt for this work. Of the countries of Eastern Europe—Russia, Fin-

land, Esthonia, Latvia, Lithuania, and Poland—Russia naturally interests us most and to Russia the author has given generously of his space. There is so much in these chapters on Russia that appeals to us that we are at a loss to know what to note and what not to note. It is a sane treatment of the whole communistic experiment. He looks over the shoulders of the best of trained investigators, propagandists, and publicity-seeking journalists and has found a middle and apparently safe path between the doctrinaire schools and the panicky-propertied champions. We get new light on Bolshevist policies with respect to pan-Slavism, with respect to Asia where the revolutionary program has apparently been quite successful. New light, too, is shed on the internal evolution of the Soviet. Sometimes we wish that the historical passages were as complete as those which deal with politics, but we remember that this is primarily a work on politics and government. Always we are held by the admirable organization which clarifies a complicated story and by a style that is lucid as well as interesting. Words, expressions, sentences are happily chosen or adapted; for example, "imperialist astigmatism"; "Thus it was that the program of the Lvov cabinet on its reconstruction was substantially the program of the Soviet itself. The hands that wrote it were bourgeois, but the words were the words of the Soviet" (p. 61). Particularly valuable is the appendix (pp. 559-800) of select documents and "party charts" which accurately and clearly visualize the text.

The Struggle for the Falkland Islands: a Study in Legal and Diplomatic History. By Julius Goebel. New Haven: Yale University Press. 1927. Pp. xiv + 482.

Far off in the South Atlantic barren islands are lashed by the waters of angry seas. No one would tarry on these Falkland Islands save for the love of God and they were the last of the great discoveries to be settled by Europeans. The history of these islands, however, so well illustrates legal and diplomatic controversies over the rights of nations to newly discovered lands that Dr. Goebel has written this admirable work. Into the details of Falkland history we cannot go. Few would follow us even through a paragraph summarizing this history. Only the

specialist in the history of European expansion would read Dr. Goebel's ample narrative. All, however, will read the work for its treatment of the evolution of international law, for in this matter Dr. Goebel's book is epochal. Spain has regularly been regarded by historians and by experts in international law as having steadfastly held to the doctrine that discovery alone suffices to give title to and, therefore, warrant to exclude others from territory. England, the Netherlands, and the other nations, of course, hold to what seems to us to be the only logically acceptable doctrine that title can be made good only by occupation. Spain, however, based her claims on occupation rather than on discovery. Her contention was indelibly impressed upon international law.

The second chapter is an admirable statement of the medieval antecedents of the international law of the Spanish and Portuguese period of the age of expansion and how the nations proceeded legally after the Columbian discoveries. Grotius, he finds, incidentally, was esteemed by contemporaries neither for his *Mare Liberum* nor for his *De Jure Belli* as far as his views on the acquisition of sovereignty over newly found lands went. One reason for this lack of reverence was the fact that a German jurist, Johann Gryphiander had sanely and exhaustively dealt with the problem of occupation. "What a welter of controversial writing would the world have been spared had men but heeded the simple explanation of this forgotten scholar" (p. 119). The Falkland Islands enter the subsequent chapters. Spain and England contended for them, and finally even Argentina, as a succession state of Spain's in the New World. England, of course, finally, repossessed herself (1833) of the Falklands—has not this violation of the Monroe Doctrine been overlooked by American historians—despite Spain's legal right to the islands on the basis of occupation. Argentina's claims are good on the very grounds, therefore, on which we have always thought England claimed sovereignty over her American possessions. "There is," of course, "a certain futility in interposing the lean and ascetic visage of the law in a situation which first and last is merely a question of power." Nevertheless Dr. Goebel has stated what this law is and he concludes that "the law which states have so

painstakingly wrought to govern their relations is too precious a heritage to be suborned to cover the imperialistic designs of any nation" (p. 468).

Sancti Aurelii Augustini Episcopi De Civitate Dei Libri XXII ex recensione B. Dombart quartum recognovit A. Kalb Vol. I, Lib. I-XIII; Lipsiae in aedibus B. G. Teubneri MCMXXVIII. XXXIV + 599 pp. geb. 12M.

This new edition of St. Augustine's masterpiece is a most welcome and timely contribution. While the third edition of Dombart—brought out by that scholar in 1905-1908—marked a distinct advance on his earlier editions and on the whole is quite superior to the recension of Hoffmann in the Vienna Corpus, much has been done on the *De Civitate Dei* in the past twenty years, and the need of a new edition has been keenly felt. Hence it is a pleasure to state that Professor Kalb, to whom the fourth revision of Dombart has been entrusted, has amply met this need by giving us an edition of the *De Civitate Dei* in which the latest work on the text and sources is incorporated.

In establishing his text Professor Kalb has followed Dombart rather closely, and, as he openly acknowledges, has drawn freely on the edition of Hoffmann, and on the *edition de luxe* of the *De Civitate Dei* brought out by C. Weyman in 1924. For his own part, Professor Kalb has examined three Bern Mss., has re-examined four Munich Mss. used by Dombart, and, most important of all, has collated for the first time the portion of Ms. C. (*Codex Corbeiensis*, now the Paris Ms. numbered 12214) containing Bk. X of the D. C. D. This part of the Corbie Ms. went to Petrograd in 1800 and was unknown to Dombart and Hoffmann. The attention of scholars was first called to it in 1910 by A. Staerk.* As the result of these labors, the new editor has given us the best text of the first thirteen books of the D. C. D. to date.

Professor Kalb has further enhanced the value of his work by indicating beneath the text the sources so far noted from which St. Augustine drew material for his great *opus*. Among other

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*A. Staerk, *Les Manuscrits Latins du V^e^ au XIII^e^ siècle conservés a la Bibliothèque impériale de Saint Petersbourg*, 1910, Vol. 1, p. 23; *cf.* also Dombart-Kalb, p. V, and A. Souter, *Class Rev. 39* (1925) pp. 136-137.

studies, he has employed the important monograph by S. Angus, "The Sources of the First Ten Books of Augustine's De Civitate Dei," Princeton, 1906—so strangely ignored by Welldon—and thus has indicated a far larger number of sources than are to be found noted in any previous edition. It is a great convenience also to have these sources indicated below the text.

It is to be hoped that Professor Kalb will be able to bring out Vol. II, containing the rest of the D. C. D., at an early date. This will undoubtedly be the more difficult portion of his work as the textual problems of the last books are more numerous and baffling than those of the earlier ones.

In his preface the editor states that he has in mind the publication of indices in a separate fascicle when he has finished editing the text of the D. C. D. A good scholarly index to the D. C. D. is a great desideratum. The indices in Hoffman are inadequate, Welldon's index is practically worthless, and Dombart did not furnish his last edition with indices at all. Hence it is sincerely to be wished that Professor Kalb, who is so obviously well qualified for the task, will persevere in his purpose and give us the indispensable adequate indices that we so acutely need.

MARTIN R. P. MCGUIRE.

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